

By Mr. MURDOCK: Petitions of 100 citizens of Wichita, 7 ex-volunteer officers of Hutchinson, citizens of Hutchinson, 8 citizens of Newton, citizens of Newton, 259 members of Garfield Post, Wichita, 22 ex-officers of Wichita, 4 ex-officers (united ages 283 years) of East Bend, 27 ex-enlisted men (average age, 66 years) of East Bend, 144 business men and citizens of Great Bend, 6 officers (average age, 67 years) of Sterling, all in the State of Kansas, for a civil war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. MURPHY: Petitions of G. W. Bell Post, No. 53, of Wonewoc, Wis., and Joe Hooker Post, No. 9, Grand Army of the Republic, of Baraboo, Wis., for the Lafean pension bill—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Charles C. Brown—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Henry C. Gosling—to the Committee on Invalid Pensions.

Also, memorial of legislature of Wisconsin, for a uniform game law—to the Committee on Agriculture.

Also, petitions of George C. Asby, of Union Center, Wis.; Grimshaw Brothers, of Elroy, Wis.; F. H. Schuppener, of Stitzer, Wis.; J. Kornely, president Retail Hardware Association of Milwaukee, and August Siefert Hardware Company, of Reedsburg, Wis., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commandery of State of Wisconsin, Military Order of the Loyal Legion, for civil war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. NEEDHAM: Paper to accompany bill for relief of Martin Jefferies—to the Committee on War Claims.

By Mr. O'CONNELL: Petition of residents of South Boston, in opposition to the taking of Castle Island for an immigration station—to the Committee on Immigration and Naturalization.

By Mr. OVERSTREET: Petition of Mrs. Booth Tarkington, for amendment of clause E of the Kittredge copyright bill (S. 2000) in the interest of musical composers—to the Committee on Patents.

Also, petition of Commercial Telegraphers' Union, for investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of storekeepers and gaugers of Pittsburg, for increase of salary of gaugers to \$3 per day—to the Committee on Interstate and Foreign Commerce.

By Mr. PARKER: Petition of J. S. Pratt and 49 other officers, for a civil war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. PETERS: Paper to accompany bill for relief of Robert Downing—to the Committee on Naval Affairs.

By Mr. RANDELL of Louisiana: Petition of Navigation Conference, for a harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. REEDER: Petition of Fruit Growers' Association of California, for modification of Chinese exclusion law in a way beneficial to the farmers of California—to the Committee on Immigration and Naturalization.

By Mr. RIORDAN: Petition of General Assembly of Telegraphers' Union, for Congressional investigation into affairs of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. SHERMAN: Paper to accompany bill for relief of J. E. Berry—to the Committee on Military Affairs.

Also, paper to accompany bill for relief of Joseph Chisom—to the Committee on Invalid Pensions.

By Mr. SMITH of Arizona: Petition of Arizona Wool Growers' Association, against leasing and fencing the public domain—to the Committee on the Public Lands.

Also, petition of United Brotherhood of Carpenters and Joiners of America, for legislation to improve the currency—to the Committee on Banking and Currency.

By Mr. SABATH: Petition of General Assembly of Commercial Telegraphers, for investigation of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. STEVENS of Minnesota: Petition of Lincoln Club, of St. Paul, Minn., for postal savings bank—to the Committee on the Post-Office and Post-Roads.

By Mr. TAYLOR of Alabama: Memorial of J. M. Whiting, president of the People's Bank; Edward M. Robinson, Pat. J. Lyons, A. C. Dauner, N. R. Clarke, Pollock & Bernheimer, Frederick G. Bromberg, E. L. Russell, James K. Glennon, E. V. O'Connor, with upward of 100 other citizens representing the general business interests of the city of Mobile, giving hearty indorsement to the proposed national negro fair to be held in the autumn of 1908, and bespeaking for the same such aid from the National Government as the Congress may deem it

proper to give—to the Select Committee on Industrial Arts and Expositions.

Also, memorial of many colored citizens of the United States, representing the National Negro Fair Association, for Congress to authorize and appropriate \$250,000 for the purpose of aiding in the development of the proposed national negro fair to be held in the city of Mobile, Ala., in the autumn of 1908—to the Select Committee on Industrial Arts and Expositions.

Also, memorial of colored citizens of Mobile, Ala., representing the general business interests of said city, heartily indorsing the proposed national negro fair to be held in Mobile in the autumn of 1908, and the proposition bespeaking Government aid of the same—to the Select Committee on Industrial Arts and Expositions.

By Mr. YOUNG: Petition of Woman's Interdenominational Union, for a day-of-rest law in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of voters of Twelfth Congressional District of Michigan, against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

## SENATE.

THURSDAY, January 16, 1908.

Prayer by the Chaplain, Rev. EDWARD E. HALE.

The Secretary proceeded to read the Journal of yesterday's proceedings when, on request of Mr. DOLLIVER, and by unanimous consent, the further reading was dispensed with.

The VICE-PRESIDENT. The Journal stands approved.

### FINDINGS OF THE COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate communications from the assistant clerk of the Court of Claims, transmitting certified copies of the findings of fact filed by the court in the following causes:

In the cause of Hiwassee Masonic Lodge, No. 188, of Calhoun, Tenn., *v. United States*;

In the cause of Artemas P. Hannum, administrator *c. t. a. de bonis non* of Josiah A. Hannum, deceased, *v. United States*;

In the cause of Robert Steel *v. United States*;

In the cause of Margaretta D. Abbey, Henry Lelar, jr., William D. Lelar, Mary D. Pierce, and Ellen D. Lelar, children and sole heirs at law of Henry Lelar, deceased, *v. United States*;

In the cause of Catherine Delap, widow of George Delap, deceased, *v. United States*;

In the cause of Francis A. Cook *v. United States*;

In the cause of Ada T. Coggeshall, daughter of Charles B. Russell, deceased, *v. United States*;

In the cause of John T. Newton *v. United States*;

In the cause of Charles B. Gilmore, brother of Fernando P. Gilmore, deceased, *v. United States*; and

In the cause of Mary Elizabeth Babbitt, daughter of Charles W. Babbitt, deceased, *v. United States*.

The foregoing findings were, with the accompanying papers, referred to the Committee on Claims and ordered to be printed.

### RETURN OF CASES TO COURT OF CLAIMS.

The VICE-PRESIDENT laid before the Senate a communication from the chief justice of the Court of Claims, transmitting a letter from the Assistant Attorney-General requesting the return to the Court of Claims of certain cases which were dismissed for lack of prosecution through error in making up the list of cases in the Department of Justice, etc., which, with the accompanying paper, was referred to the Committee on Claims and ordered to be printed.

### ENROLLED BILL SIGNED.

A message from the House of Representatives, by Mr. C. R. McKENNEY, its enrolling clerk, announced that the Speaker of the House had signed the following enrolled bill, and it was thereupon signed by the Vice-President:

H. R. 9087. An act to amend an act entitled "An act to authorize Washington and Westmoreland counties, in the State of Pennsylvania, to construct and maintain a bridge across the Monongahela River, in the State of Pennsylvania," approved February 21, 1903.

### PETITIONS AND MEMORIALS.

Mr. CULLOM presented petitions of sundry citizens of Beardstown, White Hall, Mason City, Jacksonville, Carlinville, Chester, Rockwood, Sparta, Campbell Hill, Cairo, Galesburg, Brooklyn, Quincy, Decatur, Charleston, Sullivan, Pontiac, Eureka, Minonk, Woodford County, Livingston County, and Cook County, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the

War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

Mr. PLATT presented a petition of Local Council No. 68, Junior Order of United American Mechanics, of Cottekill, N. Y., praying for the enactment of legislation to place the motto "In God we trust" on all coins of the United States, which was referred to the Committee on Finance.

He also presented a petition of the Chamber of Commerce of Watertown, N. Y., praying that an appropriation be made for the purchase of certain lands in Jefferson County, in that State, for military purposes, which was referred to the Committee on Military Affairs.

He also presented a petition of sundry members of the session of the Presbyterian Church of Johnstown, N. Y., praying for the enactment of legislation to prohibit the manufacture and sale of intoxicating liquor in the District of Columbia, which was referred to the Committee on the District of Columbia.

He also presented a paper to accompany the bill (S. 590) to extend the limits of the act of June 27, 1890 (as amended by the act of May 9, 1900), granting pensions to soldiers and sailors who served in the military or naval forces of the United States, their widows, minor children, and dependent parents, and the act of February 6, 1907, granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico, which was referred to the Committee on Pensions.

Mr. WARNER presented the petition of A. M. Haswell, of Joplin, Mo., praying for the enactment of legislation making the Union and Confederate cemeteries at Springfield, in that State, one cemetery, which was referred to the Committee on Military Affairs.

He also presented the petition of Daniel M. Spencer, of Greentop, Mo., praying for the enactment of legislation to set aside the judgment of court-martial standing against him and that he be granted pay and bounty due him for military service, which was referred to the Committee on Military Affairs.

Mr. OWEN presented a memorial of the legislature of the State of Oklahoma, which was referred to the Committee on Public Lands and ordered to be printed in the RECORD, as follows:

*Memorial to the Senate and House of Representatives in Congress assembled.*

The following memorial of the legislature of Oklahoma is respectfully submitted:

House concurrent resolution 2, memorializing Congress for the relief of settlers on the Kiowa, Comanche, and Apache reservations.

Whereas under an act of Congress of June 5, 1906, the Kiowa, Comanche, and Apache and the Fort Sill Military Wood Reservation in Oklahoma was disposed of by competitive bidding under the homestead law, to be paid for in five equal installments, one-fifth cash at the end of each consecutive year; and

Whereas said lands were purchased at an average price of more than \$16 per acre; and

Whereas there is no provision of law by which said lands can be relinquished by the entrymen and again disposed of to a purchaser or applicant therefor; and

Whereas the purchasers and settlers thereon, by reason of the newness of the land and unfavorable natural conditions have been unable to make a crop for the first year and therefore are unable to meet the second payment, and on account of the stringency of the money market are unable to procure funds to meet said payment, and unless relief is afforded by Congress a great number of these settlers will lose their homes and said lands will thereby be forfeited and their homestead entries canceled for nonpayment of the second installment of the purchase price: Therefore be it

*Resolved*, That the legislature of the State of Oklahoma in session assembled do hereby memorialize the Congress of the United States to extend and postpone the time of each payment for said lands two years from the date that the second payment becomes due, and that a law be enacted permitting the purchaser to dispose of his interests to any person qualified to make a homestead entry, the purchaser and entryman assuming the obligation due the Government.

*Resolved*, That a copy of this resolution be forwarded to the Hon. T. P. GORE and to the Hon. ROBERT L. OWEN and to the Members of Congress from Oklahoma, and that they be requested to present the same to Congress.

Passed the house December 3, 1907.

WM. H. MURRAY,  
Speaker of the House of Representatives.

Passed the Senate December 12, 1907.

GEO. W. BELLAMY,  
President of the Senate.

Approved this 14th day of December, 1907.

C. N. HASKELL, Governor.

I, Charles H. Pittman, chief clerk of the house of representatives of the first legislature, State of Oklahoma, hereby certify that the foregoing is a true and correct copy of house concurrent resolution No. 2 now on file.

C. H. PITTMAN,  
Chief Clerk of the House of Representatives.

Mr. OWEN presented a petition of the Board of County Commissioners of Carter County, Okla., praying for the enactment of legislation to convert the Federal jail at Ardmore into a

county jail for Carter County in that State, which was referred to the Committee on the Judiciary.

Mr. HOPKINS presented petitions of sundry citizens of Chicago, Oak Park, Lagrange, Toulon, Neponset, Tiskilwa, Peoria, Princeton, Walnut, Joliet, Ohio, Washington, Sheffield, Mineral, Wyand, Buda, Hennepin, Harvard, Aurora, St. Charles, Wilmington, Elgin, Lockport, Plainfield, Elburn, Enfield, Stanford, Clay City, Grayville, Wayne City, Harrisburg, Golconda, Lanark, Galena, Erie, Morrison, Prophetstown, Forreston, Ashton, Dixon, Franklin Grove, Oregon, Polo, Hanover, Monmouth, Alexis, Bushnell, Macomb, Aledo, Newton, Centralia, Patoka, Olney, Kimmunity, Salem, Oblong, Vandalia, Mount Carmel, Kankakee, Mokena, Watseka, and Casey, all in the State of Illinois, praying for the enactment of legislation to create a volunteer retired list in the War and Navy Departments for the surviving officers of the civil war, which were referred to the Committee on Military Affairs.

He also presented a petition of Local Union No. 368, International Typographical Union of Litchfield, Ill., and a petition of Local Union No. 213, Typographical Union of Rockport, Ill., praying for the repeal of the duty on white paper, wood pulp, and the materials used in the manufacture thereof, which were referred to the Committee on Finance.

Mr. FRYE presented a petition of Captain Charles V. Gridley Camp, No. 94, Army and Navy Union of the United States, of Erie, Pa., praying for the enactment of legislation to increase and equalize the pay of officers and enlisted men of the Army, Navy, Marine Corps, and Revenue-Cutter Service, which was referred to the Committee on Naval Affairs.

Mr. HANSBROUGH presented a petition of sundry citizens of Bottineau County, N. Dak., praying for the passage of the so-called parcels-post bill, which was referred to the Committee on Post-Offices and Post-Roads.

Mr. CURTIS presented a memorial of the Business Men's Association of Great Bend, Kans., remonstrating against the passage of the so-called parcels-post bill, which was referred to the Committee on Post-Offices and Post-Roads.

He also presented the petition of Rev. N. Redpath, pastor of the Reformed Presbyterian Church, and sundry other citizens of Olathe, Kans., praying for the enactment of legislation to regulate the interstate transportation of intoxicating liquors, and also to prevent internal-revenue collectors from issuing Federal licenses in prohibition territory, which was referred to the Committee on the Judiciary.

He also presented a petition of the Farmers' Institute Association of Reno County, Kans., praying for the enactment of legislation to provide for the restoration, by treaty or otherwise, of our foreign markets for the benefit of the live stock and grain producers of the country, which was referred to the Committee on Finance.

Mr. OVERMAN presented sundry papers to accompany the bill (S. 2021) for the relief of John F. Foard, which were referred to the Committee on Claims.

He also presented sundry papers to accompany the bill (S. 1765) granting a pension to Timothy Edwards, which were referred to the Committee on Pensions.

He also presented an affidavit to accompany the bill (S. 2348) granting an increase of pension to Wiley S. Roberts, which was referred to the Committee on Pensions.

Mr. HALE presented a memorial of the Woman's Christian Temperance Union of China, Me., remonstrating against the use of the mails for the purpose of advertising intoxicating liquors, which was referred to the Committee on Post-Offices and Post-Roads.

#### EXPERIMENTAL FARMS AND STATIONS.

Mr. OWEN. I present a resolution of the Trans-Mississippi Commercial Congress, adopted at its eighteenth annual session, at Muskogee, Okla., November 19-22, 1907, favoring the establishment of experimental farms and stations in the Western States tributary to the Mississippi River. I move that the resolution be printed as a document and referred to the Committee on Agriculture and Forestry.

The motion was agreed to.

#### REPORTS OF COMMITTEES.

Mr. MARTIN, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment:

A bill (H. R. 11330) to authorize the Chicago, Indiana and Southern Railroad Company to construct and maintain a bridge across the Grand Calumet River in the town of Gary, Ind.; and

A bill (H. R. 11331) to authorize the Baltimore and Ohio and Chicago Railroad Company to construct a bridge across the Grand Calumet River at or near the town of Gary, Ind.



Mr. MARTIN, from the Committee on the District of Columbia, to whom was referred the bill (S. 1046) to provide for the construction of a memorial bridge across the Potomac River from Washington to the Arlington estate property, reported it without amendment and submitted a report thereon.

Mr. NELSON, from the Committee on Commerce, to whom was referred the bill (S. 24) to increase the efficiency of the personnel of the Revenue-Cutter Service, reported it with amendments and submitted a report thereon.

Mr. PERKINS, from the Committee on Commerce, to whom were referred the following bills, reported them severally without amendment and submitted reports thereon:

A bill (S. 3660) to establish a light and fog signal on the outer end of the breakwater, San Pedro, Cal.;

A bill (S. 3661) to establish a light and fog signal at or near Punta Gorda, in the State of California; and

A bill (S. 3153) to make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes.

Mr. STONE, from the Committee on Commerce, to whom was referred the bill (S. 514) to amend an act entitled "An act to prevent the importation of impure and unwholesome tea," approved March 2, 1897, reported it without amendment and submitted a report thereon.

He also, from the same committee, to whom was referred the bill (H. R. 9121) to authorize a bridge across the Missouri River at or near Council Bluffs, Iowa, reported it without amendment.

He also, from the Committee on Indian Affairs, to whom was referred the bill (S. 819) authorizing the Secretary of the Interior to examine and adjust the accounts of William R. Little, or his heirs, with the Sac and Fox Indians, reported it without amendment.

Mr. DIXON, from the Committee on Indian Affairs, to whom was referred the bill (S. 3640) to amend sections 9 and 14, chapter 1495, Statutes of the United States of America, entitled "An act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment," reported it without amendment and submitted a report thereon.

#### EXAMINATIONS FOR DRAINAGE OF LANDS.

Mr. PLATT. I am directed by the Committee on Printing, to whom was referred the resolution submitted on the 14th instant by the Senator from Minnesota [Mr. CLAPP], to report it favorably without amendment, and I ask for its present consideration.

The resolution was read, as follows:

*Resolved by the Senate (the House of Representatives concurring).* That there be printed 2,000 additional copies of Senate Document 151, present session; 1,000 for the use of the Senate and 1,000 for the use of the House of Representatives.

Mr. CULBERSON. I inquire of the Senator from Minnesota what the document is that is to be printed?

Mr. CLAPP. It is the report of the Reclamation Service on drainage.

The VICE-PRESIDENT. Is there objection to the present consideration of the concurrent resolution?

The concurrent resolution was considered by unanimous consent and agreed to.

#### HARBOR OF ST. AUGUSTINE, FLA.

Mr. CLARKE of Arkansas, from the Committee on Commerce, to whom was referred the bill (S. 3343) for the survey of the harbor at St. Augustine, Fla., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported the following concurrent resolution as a substitute for Senate bill 3343:

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War be, and he is hereby, authorized and directed to cause a survey of the entrance and harbor at St. Augustine, Fla., with a view to determining the necessity for and cost of construction of necessary breakwaters, etc., to protect the Government works at St. Augustine, Fla., from damage from erosions and encroachments of the sea.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

#### RENT FOR THE BUREAU OF FORESTRY.

Mr. PROCTOR. I am directed by the Committee on Agriculture and Forestry, to whom was referred the joint resolution (H. J. Res. 88) to amend the act of March 4, 1907, making appropriations for the Department of Agriculture for the fiscal year ending June 30, 1908, so as to authorize the Secretary of Agriculture to use for rent an increased proportion of the appropriation made by said act for rent for the Bureau of Forestry, to report it favorably without amendment, and I submit a report

thereon. I ask for the present consideration of the joint resolution.

The VICE-PRESIDENT. The joint resolution will be read for the information of the Senate.

The joint resolution was read and, there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

Mr. HEYBURN. I should like to have some explanation of the purpose of the provision. It proposes to divert a rather large sum of money.

Mr. PROCTOR. The appropriation last year for the general expenses of the Bureau of Forestry, which was something like one and three-quarter million dollars, provided that not more than \$40,000 of the amount should be used for rent. Owing to the large increase of the Bureau from legislation that we have adopted, the Secretary has found it absolutely necessary to use more than that amount for rent. The joint resolution does not at all increase the appropriation, but enlarges the limit that may be used for rent from \$40,000 to \$60,000, and it is a very necessary enlargement.

Mr. HEYBURN. I would inquire of the chairman of the committee whether it is for rent of buildings in Washington?

Mr. PROCTOR. It is not limited.

Mr. HEYBURN. Where is it to be used?

Mr. PROCTOR. It is not limited at all. There is no limit in the act; it is for rent in any locality, and the total amount that is to be paid for rent anywhere in the country is limited to \$40,000.

Mr. HEYBURN. I would ask whether or not the committee has made a report showing where the rents were expended and the amount expended in each place? If so, I should like to have the benefit of an inspection of that report.

Mr. PROCTOR. The committee has no such report, but we know money has been expended for rent in different sections of the country. We have the letter of the Secretary of Agriculture saying that it is absolutely necessary to use more of the appropriation for general expenses in order to properly house the officers and employees of the Bureau.

Mr. HEYBURN. I should like to have some information before the passage of the joint resolution that would enable us to know where this money is being expended and what proportion of it is being expended in the different localities of the country. It is a very large sum to pay for rent. It is 10 per cent on half a million dollars or more, and it is quite an item. It is being diverted from a general fund that was appropriated, I understand, for the general expenses in addition to the moneys realized by the Forestry Service from its use of the forests.

Before the joint resolution is put upon its final passage, I should like to have some information as to the items of expenditure. A letter from the Secretary of Agriculture is not a sufficient basis upon which to make an appropriation. This is an appropriation by a joint resolution, and, notwithstanding the fact that it is included within the gross sum appropriated, if this appropriation were not made, the presumption is that a portion of the original appropriation would be converted back into the Treasury at the end of the fiscal year. So it is in effect an original appropriation under our system of enacting laws, and I do not think we should make an appropriation of this size without some more detailed and general information than is contained in the letter of the Secretary of Agriculture.

I ask that the joint resolution may go over, Mr. President.

The VICE-PRESIDENT. Objection is made, and the joint resolution goes to the Calendar.

Mr. HALE. Before this matter passes from the consideration of the Senate I want to suggest to the Senator from Vermont, who has charge of the joint resolution, that in furnishing the information suggested by the Senator from Idaho he look into the question of rent as applied for shelter outside of Washington. The Senator from Vermont just now made the remark that the money is needed to house the employees of the Government outside of Washington.

Mr. PROCTOR. Both outside the city and within it.

Mr. HALE. Yes; but the point I am making is as to employees outside the city. I wish the Senator would look into it and see whether we have heretofore appropriated, in the many cases where the different Departments have agents at work outside of Washington, for housing them. If we embark in that, Mr. President, not only must the employees of this Bureau in the Forestry Service be housed—furnished with houses and buildings—outside of Washington, but the large army of special employees in the Land Office, who are engaged in similar service, must be housed, must be covered. The Post-Office Department has a myriad of employees engaged in different parts of the country. If the employees of the Forestry

Service are to be housed, why not the employees of the Post-Office Department and of the Treasury Department?

Mr. PROCTOR. If the Senator will allow me—

Mr. HALE. I only wish to suggest to the Senator, in making his inquiries and bringing in the facts to answer the pertinent questions of the Senator from Idaho, that at the same time he consider whether there is any precedent heretofore established for the Government housing employees outside of Washington.

Mr. PROCTOR. Mr. President, the misunderstanding has come from my careless use of a very general term, the word "housing." It is only intended to mean office rooms, working rooms, not at all houses. There is no housing in my knowledge except the building of shacks for the foresters in the woods, which they build themselves.

Mr. HEYBURN. I desire to make a further suggestion regarding the matter. I think the joint resolution should go to the Calendar until we have in detail the information that has been suggested. I have not had an opportunity to put my request for information in the form of a resolution, and it perhaps will not be necessary to do it, but I would suggest that the chairman of the committee in charge of the joint resolution might have the information collated and at hand when the measure comes up for final consideration. It involves \$60,000 and for a purpose that it seems to me we should inquire about. I ask that the joint resolution go to the Calendar.

The VICE-PRESIDENT. The joint resolution has already gone to the Calendar.

Mr. HEYBURN. I have already asked that it go over, and I suggest to the Senator that I shall feel impelled to ask that it shall not be brought up until the information is before the Senate.

#### SURVEY AT DEPERE, WIS.

Mr. ELKINS, from the Committee on Commerce, to whom was referred the bill (S. 2314) providing for a turning basin at Depere, Wis., and a 20-foot channel from Green Bay to Depere, Wis., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported the following concurrent resolution as a substitute for Senate bill 2314:

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made at Depere, Wis., for a turning basin; also for the purpose of deepening the present channel between Green Bay and Depere and making it a 20-foot channel clear through from Green Bay to Depere, and to submit estimates for the same.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

#### STENOGRAPHER FOR COMMITTEE ON INDIAN DEPREDACTIONS.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Kansas [Mr. CURTIS] on the 13th instant, to report it with amendments, and I ask for its present consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, which was read, as follows:

*Resolved,* That the Committee on Indian Depredations be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,020 per annum, said employment to continue during the Sixtieth Congress.

The amendments of the committee were in line 4, before the word "dollars," to strike out "and twenty," and in line 5 to strike out the words "Sixtieth Congress" and insert "first session of the Sixtieth Congress;" so as to make the resolution read:

*Resolved,* That the Committee on Indian Depredations be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,000 per annum, said employment to continue during the first session of the Sixtieth Congress.

The amendments were agreed to.

The resolution as amended was agreed to.

#### STENOGRAPHER FOR COMMITTEE ON THE UNIVERSITY OF THE UNITED STATES.

Mr. KEAN. I am directed by the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by the Senator from Indiana [Mr. HEMENWAY] on the 13th instant, to report it with amendments, and I ask for its consideration.

The Senate, by unanimous consent, proceeded to consider the resolution, as follows:

*Resolved,* That the Committee on the University of the United States be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,020 per annum, said employment to continue during the Sixtieth Congress.

The amendments of the committee were, in line 4, after the word "thousand," to strike out "and twenty;" and in line 5, to strike out "Sixtieth Congress" and insert "first session of the Sixtieth Congress," so as to make the resolution read:

*Resolved,* That the Committee on the University of the United States be, and the same is hereby, authorized to employ a stenographer, to be paid from the contingent fund of the Senate, at the rate of \$1,000 per annum, said employment to continue during the first session of the Sixtieth Congress.

The amendments were agreed to.

The resolution as amended was agreed to.

#### HEARINGS BEFORE THE COMMITTEE ON AGRICULTURE AND FORESTRY.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. PROCTOR on the 13th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved,* That the Committee on Agriculture and Forestry be, and is hereby, authorized to employ a stenographer from time to time, as may be necessary, to report such testimony as may be taken by the committee or its subcommittees in connection with matters before them, and to have the same printed for its use, and that such stenographer be paid out of the contingent fund of the Senate.

#### ELLEN F. BARTLETT.

Mr. KEAN, from the Committee to Audit and Control the Contingent Expenses of the Senate, to whom was referred the resolution submitted by Mr. LODGE on the 13th instant, reported it without amendment, and it was considered by unanimous consent and agreed to, as follows:

*Resolved,* That the Secretary of the Senate be, and he is hereby, authorized and directed to pay to Ellen F. Bartlett, widow of Joseph W. Bartlett, late a clerk in the office of the Secretary of the United States Senate, a sum equal to six months' salary at the rate he was receiving by law at the time of his demise, said sum to be considered as including funeral expenses and all other allowances.

#### SURVEY OF OCONTO HARBOR, WISCONSIN.

Mr. DEPEW, from the Committee on Commerce, to whom was referred the bill (S. 2316) providing for a survey of Oconto Harbor, Oconto, Wis., reported adversely thereon, and the bill was postponed indefinitely.

He also, from the same committee, reported the following concurrent resolution as a substitute for Senate bill 2316:

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War be, and he is hereby, authorized and directed to cause an examination and survey to be made of Oconto Harbor, Oconto, Wis., with a view to providing a 20-foot channel and turning basin in said harbor, and to submit estimates for the same.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

#### COMMITTEE SERVICE.

Mr. HALE. Mr. President, I submit a privileged resolution and ask for its adoption.

The resolution was read, considered by unanimous consent, and agreed to, as follows:

*Resolved,* That the following appointments be made to fill vacancies in committees of the Senate: Mr. du PONT on Military Affairs, Mr. McCUMBER on the Census, Mr. SUTHERLAND on the Revision of the Laws of the United States, and Mr. LONG on Privileges and Elections.

#### ADJOURNMENT TO MONDAY.

Mr. HALE. I move that when the Senate adjourns to-day it be to meet on Monday next.

Mr. HEYBURN. Will the Senator allow me to make a statement?

Mr. HALE. I yield to the Senator for a moment.

Mr. HEYBURN. We are now engaged in the consideration of the bill for the revision of the criminal code. It is a work of infinite detail and not one that interests all of the Senate directly—that is, it is not one in which all Senators take an interest. It would be very profitable to have that work continue. If we could continue it under an understanding or an agreement that nothing else would be done—

The VICE-PRESIDENT. The Chair will call attention to the fact that under the rule a motion to adjourn to a day specified is not debatable.

Mr. HEYBURN. I ask unanimous consent to make a statement in connection with the motion.

The VICE-PRESIDENT. Is there objection to the request made by the Senator from Idaho that he be permitted to make a statement? The Chair hears none.

Mr. HEYBURN. I desire to make this suggestion, which I was proceeding to make, that we enter into an agreement that nothing but the revision of the criminal code will be considered, and allow the Senate to remain in session. Otherwise the work of many years is apt to fail, as it has heretofore failed, of consideration during the Congress, and it will all have to be done over again. It is a matter of very serious importance. On



yesterday when the bill was under consideration there was a very small attendance of Senators, but sufficient to watch the progress of its consideration and see that there was nothing objectionable in it.

If it would meet with the approval of the Senate, I should like to have the motion of the Senator from Maine modified so as to enable us to proceed with the consideration of that measure.

Mr. HALE. Mr. President, I do not want to interfere with the Senator from Idaho, nor with the actual transaction of business. Several Senators have said to me that they desire an adjournment in order to work in committees, and it was said that yesterday in considering the Senator's bill—I was not here—not more than half a dozen Senators were in the Chamber, and that the Senate resorted to a call of the body in order to bring members here. On the proposition that I do not seek to interfere with the Senator, I am willing to withhold the motion for the present and see whether—

Mr. BACON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Maine yield to the Senator from Georgia?

Mr. HALE. Certainly.

Mr. BACON. If the Senator will pardon an interruption, in order that he may not withhold his motion upon any misapprehension as to the attitude of some of us in regard to the matter, I desire to say that I shall object to any proposition to take up this important bill with the idea that nothing else is to be done, with a view that all who may not be interested in the measure may absent themselves from the Chamber. The result of such an arrangement will be that, as there was yesterday, there will be but a handful of Senators present when it is announced that nothing else is to be done.

I do not consider that there is anything more important demanding the presence of a full Senate than the consideration of the bill which the Senator from Idaho has in charge, and I shall object to any proposition that that bill shall be taken up and an agreement shall be had that nothing else shall be done, because that agreement at once empties the Chamber of every Senator who may not feel that he is going to take any particular part in it.

Mr. HALE. Then, I will submit my motion and let the Senate settle it.

The VICE-PRESIDENT. The Senator from Maine moves that when the Senate adjourns to-day it be to meet on Monday next.

The motion was agreed to.

#### BOOKS FOR LIFE-SAVING STATIONS.

Mr. FRYE. I am directed by the Committee on Commerce, to whom was referred the bill (S. 3495) to authorize the transfer of books from the Treasury Department library to the life-saving stations of the United States, to report it favorably without amendment, and I submit a report thereon. I ask for the present consideration of the bill.

The Secretary read the bill, and there being no objection, the Senate, as in Committee of the Whole, proceeded to its consideration.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

#### SURVEY OF FLATHEAD RIVER, MONTANA.

Mr. SMITH, from the Committee on Commerce, to whom was referred the following concurrent resolution submitted by Mr. DIXON December 21, 1907, reported it without amendment:

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Flathead River, Montana, from the mouth of the same to the city of Kallispell, with a view of dredging and cleaning out a channel carrying 4 feet of water from the city of Kallispell to the mouth of said river and to submit a plan and estimate for such improvements.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

#### SURVEY OF YELLOWSTONE RIVER, MONTANA.

Mr. SMITH, from the Committee on Commerce, to whom was referred the concurrent resolution submitted by Mr. DIXON December 21, 1907, reported it without amendment, as follows:

*Resolved by the Senate (the House of Representatives concurring).* That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the portion of the Yellowstone River from the city of Glendive, Mont., to the mouth of said river with a view of cleaning out the channel thereof so as to maintain a 4-foot stage of water therein, including a lock at the United States Government dam, and to submit a plan and estimate for such improvement.

The VICE-PRESIDENT. The concurrent resolution will be placed on the Calendar.

#### BILLS INTRODUCED.

Mr. LODGE introduced a bill (S. 4049) for the relief of Edwin U. Curtis, assistant treasurer of the United States at Boston, which was read twice by its title and referred to the Committee on Finance.

Mr. TALLIAFERRO introduced a bill (S. 4050) to authorize the sale of certain parts of Fort Marion Reservation, in the city of St. Augustine, Fla., which was read twice by its title and, with the accompanying papers, referred to the Committee on Military Affairs.

Mr. OWEN introduced a bill (S. 4051) relative to interest on the Eastern Cherokee Fund, which was read twice by its title and, with the accompanying papers, referred to the Committee on Indian Affairs.

He also introduced a bill (S. 4052) for the relief of the estate of Edmond Manes, which was read twice by its title and, with the accompanying paper, referred to the Committee on Claims.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Military Affairs.

A bill (S. 4053) to authorize the President to appoint Brig. Gen. Frank D. Baldwin to the grade of major-general in the United States Army and place him on the retired list; and

A bill (S. 4054) canceling the balance of deferred payments due from settlers in the purchase of lands in the so-called "Wood Reserve," attached to the Fort Sill Military Reservation, Okla.

Mr. CULLOM introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4055) granting an increase of pension to Charles M. Asbury;

A bill (S. 4056) granting an increase of pension to Aaron F. Youngblood; and

A bill (S. 4057) granting an increase of pension to Pascal J. Ellsworth.

Mr. GALLINGER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4058) granting an increase of pension to De Forest Safford (with the accompanying papers); and

A bill (S. 4059) granting an increase of pension to James H. Conley.

Mr. GUGGENHEIM introduced a bill (S. 4060) providing for prospecting, mining, and canal ditch and reservoir building on forest reserves and other public lands of the United States, which was read twice by its title and referred to the Committee on Forest Reservations and the Protection of Game.

Mr. BROWN introduced a bill (S. 4061) granting an increase of pension to John F. Young, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. CLARK of Wyoming introduced the following bills, which were severally read twice by their titles and referred to the Committee on the Judiciary:

A bill (S. 4062) to amend section 5481 of the Revised Statutes of the United States (with an accompanying paper);

A bill (S. 4063) relating to jurisdiction on appeals in the court of appeals of the District of Columbia in cases relating to public and Indian lands, and for other purposes; and

A bill (S. 4064) to provide for a term of the United States circuit and district courts at Lander, Wyo.

Mr. KNOX introduced a bill (S. 4065) for the relief of the legal representatives of John Boyle, deceased, which was read twice by its title and referred to the Committee on Claims.

Mr. HOPKINS introduced a bill (S. 4066) authorizing the Secretary of the Treasury to increase the compensation of inspectors of customs, which was read twice by its title and referred to the Committee on Commerce.

He also introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4067) providing for pensions to the children of deceased soldiers and sailors of the United States in cases where said children have become insane, idiotic, blind, deaf and dumb, or otherwise physically or mentally helpless before the age of 22 years;

A bill (S. 4068) granting an increase of pension to Peter M. Kiron (with accompanying papers);

A bill (S. 4069) granting an increase of pension to Charles Rivet (with accompanying papers); and

A bill (S. 4070) granting an increase of pension to Thomas Boyd (with accompanying papers).

Mr. CLAY introduced a bill (S. 4071) to amend acts embodied in section 3258 of the Revised Statutes of the United States, second edition (1878), relating to the Registry of stills, etc., so as to exempt turpentine stills, which was read twice by its title and referred to the Committee on Finance.

He also introduced a bill (S. 4072) to provide for site and public building at Statesboro, Ga., which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

Mr. WHYTE introduced a bill (S. 4073) granting an increase of pension to Thomas S. Ball, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. OVERMAN introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4074) for the relief of John H. Gray, administrator of J. W. Gray, deceased;

A bill (S. 4075) for the relief of W. T. Hawkins (with accompanying papers); and

A bill (S. 4076) for the relief of the heirs at law of E. L. Shuford, deceased.

He also introduced a bill (S. 4077) granting an increase of pension to H. J. Edge, which was read twice by its title and referred to the Committee on Pensions.

He also introduced the following bills, which were severally read twice by their titles and, with the accompanying papers, referred to the Committee on Pensions:

A bill (S. 4078) granting an increase of pension to Elijah P. Hensley;

A bill (S. 4079) granting an increase of pension to William Cody;

A bill (S. 4080) granting an increase of pension to Irvin Allen; and

A bill (S. 4081) granting an increase of pension to James B. Sprinkle.

Mr. DIXON introduced a bill (S. 4082) for the relief of George O. Herbert, which was read twice by its title and referred to the Committee on Claims.

Mr. BURKETT introduced the following bills, which were severally read twice by their titles and referred to the Committee on Indian Affairs:

A bill (S. 4083) to authorize the Secretary of the Interior to issue patent in fee simple for certain lands of the Santee Reservation, in Nebraska, to the directors of school district No. 36, in Knox County, Nebr.;

A bill (S. 4084) to authorize the capitalization and payment of funds due the Winnebago tribe of Indians, and to enable them to sell and convey their allotted lands in Nebraska; and

A bill (S. 4085) to authorize the Secretary of the Interior to issue patents to Indians of the Santee tribe for lands assigned under the treaty of April 29, 1868.

He also introduced a bill (S. 4086) for the relief of Leander Gerrard and Edward A. Gerrard, which was read twice by its title and referred to the Committee on Claims.

Mr. HANSBROUGH introduced a bill (S. 4087) to limit the effect of the regulation of commerce between the several States and Territories in certain cases, which was read twice by its title and referred to the Committee on the Judiciary.

Mr. FRAZIER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Claims:

A bill (S. 4088) for the relief of the city of Nashville, Tenn. (with an accompanying paper); and

A bill (S. 4089) for the relief of the legal representatives of Anthony S. Abbay, deceased (with an accompanying paper).

Mr. BORAH introduced a bill (S. 4090) to provide for the acquiring of additional ground and for the enlarging of the Government building at Boise, Idaho, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4091) granting an increase of pension to Joseph N. Foster, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. HEYBURN introduced a bill (S. 4092) to amend the military record of Jonas O. Johnson, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. CURTIS introduced a bill (S. 4093) for the relief of Gustav A. Hesselberger, which was read twice by its title and referred to the Committee on Military Affairs.

Mr. SCOTT introduced a bill (S. 4094) to amend paragraph 43 of an act entitled "An act making appropriations to provide for the expenses of the government of the District of Columbia for the fiscal year ending June 30, 1903, and for other pur-

poses," approved July 1, 1902, which was read twice by its title and referred to the Committee on Appropriations.

He also introduced a bill (S. 4095) to provide for the purchase of a site and the erection of a public building thereon at Steubenville, in the State of Ohio, which was read twice by its title and referred to the Committee on Public Buildings and Grounds.

He also introduced a bill (S. 4096) granting an increase of pension to George M. D. Wells, which was read twice by its title and referred to the Committee on Pensions.

Mr. HALE introduced a bill (S. 4097) granting an increase of pension to William H. Stiles, which was read twice by its title and referred to the Committee on Pensions.

Mr. FULTON introduced a bill (S. 4098) for the construction of a steam vessel for the Revenue-Cutter Service for duty on the Pacific coast, which was read twice by its title and referred to the Committee on Commerce.

Mr. DOLLIVER introduced the following bills, which were severally read twice by their titles and referred to the Committee on Pensions:

A bill (S. 4099) granting a pension to George R. Barden;

A bill (S. 4100) granting an increase of pension to Michael Fitzpatrick;

A bill (S. 4101) granting an increase of pension to Stephen A. Toops; and

A bill (S. 4102) granting an increase of pension to Asa Wren.

Mr. CLAPP introduced a bill (S. 4103) authorizing the Secretary of the Interior to ascertain the amount due O bah baum, and pay the same out of the fund known as "for the relief and civilization of the Chippewa Indians," which was read twice by its title and referred to the Committee on Indian Affairs.

Mr. McCREARY introduced a bill (S. 4104) granting an increase of pension to H. Rowan Saufley, which was read twice by its title and referred to the Committee on Pensions.

Mr. HANSBROUGH introduced a bill (S. 4105) granting a pension to John Stokes, which was read twice by its title and referred to the Committee on Pensions.

Mr. BURROWS introduced a bill (S. 4106) granting an increase of pension to Eldridge S. Lyons, which was read twice by its title and, with the accompanying papers, referred to the Committee on Pensions.

Mr. WHYTE introduced a bill (S. 4107) to authorize the town of Chevy Chase, Md., to connect its water system with the water system of the District of Columbia, which was read twice by its title and referred to the Committee on the District of Columbia.

Mr. SCOTT introduced a joint resolution (S. R. 36) authorizing a commission to examine the battlefields around Petersburg, Va., and report whether it is advisable to establish a battlefield park, which was read twice by its title and referred to the Committee on Military Affairs.

#### EMERGENCY CIRCULATION BY NATIONAL BANKS.

Mr. BULKELEY. On the 9th instant I introduced a bill, Senate bill 3472, providing for emergency circulation by national banking associations on the basis of bonds, other than Government bonds, named in the bill. The circulation was restricted in that bill to the aggregate amount of capital of the bank. I find on inquiry that nearly three thousand banks have a circulation at the present time equal to their capital, and therefore would be restricted in issuing further circulation. These banks have a circulation at the present time of \$324,501,000. If the proposed amendment should be adopted, it would provide for a further addition to the circulation of about \$162,250,000.

I have therefore prepared an amendment to the bill which I should like to send to the Finance Committee for their consideration if the original bill should happen to meet with favorable consideration by the committee.

The amendment was ordered to be printed and referred to the Committee on Finance, as follows:

Amendment intended to be proposed by Mr. Bulkeley to the bill (S. 3472) to provide for emergency circulation of national banking associations, viz: After the word "law," at the end of line 15, page 3, insert the following:

"Sec. 2. That notwithstanding any provisions of section 1 of this act, any national banking association having a circulation secured by deposits of United States or Panama Canal bonds under existing law to an amount equal to its capital, on deposit of bonds provided for under section 1 of this act may receive from the Comptroller of the Currency additional circulating notes, as provided in section 1 of this act, to an amount equal to 50 per cent in excess of the amount of the capital stock paid in of any such banking association."

#### INSPECTION AND GRADING OF GRAIN.

On motion of Mr. McCUMBER, it was

Ordered, That there be printed for the use of the Senate and delivered to the Senate document room 2,000 additional copies of the bill (S. 382) to provide for the inspection and grading of grain entering into interstate commerce, and to secure uniformity in standards and classification of grain, and for other purposes.



## PRESIDENTIAL APPROVAL.

A message from the President of the United States, by Mr. M. C. LATTA, one of his secretaries, announced that the President had on the 15th instant approved and signed the joint resolution (S. R. 1) amending an act relative to the public printing and binding, approved March 1, 1907.

## FRANCHISE OF PORTO RICO.

The VICE-PRESIDENT laid before the Senate the following message from the President of the United States, which was read and, with the accompanying paper, referred to the Committee on Pacific Islands and Porto Rico and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of section 32 of the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes" (31 Stat., 77), I transmit herewith copy of a franchise granted by the executive council of Porto Rico to the municipality of Utuado, entitled "An ordinance granting to the municipality of Utuado the right to take 390 gallons of water per minute from Creek Grand, in the municipality of Utuado, for the purpose of supplying the inhabitants of the municipality with water," approved January 3, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 16, 1908.

MISSISSIPPI RIVER BRIDGE AT ST. LOUIS.

Mr. WARNER. I ask unanimous consent for the present consideration of House bill 251, being a bill to authorize the city of St. Louis to construct a bridge across the Mississippi River.

There being no objection, the Senate, as in Committee of the Whole, proceeded to consider the bill (H. R. 251) to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved February 6, 1907.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

## EXECUTIVE COMMUNICATIONS.

Mr. LODGE. Mr. President, I desire to call up at this time the resolution which I reported yesterday from the Committee on Rules in relation to communications from heads of Departments, etc.

The VICE-PRESIDENT. The Senator from Massachusetts asks unanimous consent for the present consideration of the resolution referred to by him. The resolution will be read for the information of the Senate.

The Secretary read the resolution reported by Mr. LODGE from the Committee on Rules January 15, 1908, as follows:

*Resolved*, That no communications from heads of Departments, commissioners, chiefs of bureaus, or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate unless such communications shall be transmitted to the Senate by the President.

*Resolved*, That a copy of this resolution be communicated by the Secretary of the Senate to the President and the House of Representatives.

The VICE-PRESIDENT. Is there objection to the present consideration of the resolution? The Chair hears none. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. LODGE. Mr. President, in this connection I desire to call attention to the fact that the relation of the Executive to the Senate as to means of communication was defined very scrupulously by President Madison when he refused to discuss a question with a committee of the Senate on the ground that, as a coordinate branch of the Government, he could deal only with the Senate itself.

I do not mean to detain the Senate more than a moment, the resolution having passed, but I ask leave to have the message to which I refer, dated July 6, 1813, printed for the information of the Senate.

Mr. GALLINGER. As a document?

Mr. LODGE. No; I wish to have it printed in the Record.

The VICE-PRESIDENT. Is there objection to the request? The Chair hears none, and the message referred to will be printed in the Record.

The message referred to is as follows:

WASHINGTON, July 6, 1813.

To the Senate of the United States:

I have received from the committee appointed by the resolution of the Senate of the 14th day of June a copy of that resolution, which authorizes the committee to confer with the President on the subject of the nomination made by him of a minister plenipotentiary to Sweden.

Conceiving it to be my duty to decline the proposed conference with the committee, and it being uncertain when it may be convenient to explain to the committee, and through them to the Senate, the grounds of my so doing, I think it proper to address the explanation directly to the Senate. Without entering into a general review of the relations in which the Constitution has placed the several Departments of the Government to each other, it will suffice to remark that the Executive and

Senate, in the cases of appointments to office and of treaties, are to be considered as independent of and coordinate with each other. If they agree, the appointments or treaties are made; if the Senate disagree, they fail. If the Senate wish information previous to their final decision, the practice, keeping in view the constitutional relations of the Senate and the Executive, has been either to request the Executive to furnish it or to refer the subject to a committee of their body to communicate, either formally or informally, with the head of the proper Department. The appointment of a committee of the Senate to confer immediately with the Executive himself appears to lose sight of the coordinate relation between the Executive and the Senate which the Constitution has established, and which ought, therefore, to be maintained.

The relation between the Senate and House of Representatives, in whom legislative power is concurrently vested, is sufficiently analogous to illustrate that between the Executive and Senate in making appointments and treaties. The two Houses are in like manner independent of and coordinate with each other, and the invariable practice of each in appointing committees of conference and consultation is to commission them to confer not with the coordinate body itself, but with a committee of that body; and although both branches of the legislature may be too numerous to hold conveniently a conference with committees, were they to be appointed by either to confer with the entire body of the other, it may be fairly presumed that if the whole number of either branch were not too large for the purpose the objection to such a conference, being against the principle as derogating from the coordinate relations of the two Houses, would retain all its force.

I add only that I am entirely persuaded of the purity of the intentions of the Senate in the course they have pursued on this occasion, and with which my view of the subject makes it my duty not to accord, and that they will be cheerfully furnished with all the suitable information in possession of the Executive in any mode deemed consistent with the principles of the Constitution and the settled practice under it.

JAMES MADISON.

LITTLE CONTENTNEA RIVER, NORTH CAROLINA.

Mr. GALLINGER. Regular order, Mr. President.

The VICE-PRESIDENT. The morning business has closed, and the regular order is the consideration of the Calendar under Rule VIII. The first business on the Calendar will be stated.

The concurrent resolution submitted by Mr. OVERMAN December 16, 1907, and reported from the Committee on Commerce by Mr. SIMMONS January 9, 1908, was announced as first in order, and was read as follows:

*Resolved by the Senate (the House of Representatives concurring)*, That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Little Contentnea River, North Carolina, from the mouth of same to the town of Ridge Springs, in Greene County, N. C., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.

The VICE-PRESIDENT. The question is on agreeing to the concurrent resolution.

The concurrent resolution was agreed to.

## RAILWAY EXTENSIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 902) authorizing certain extensions to be made in the lines of the City and Suburban Railway of Washington, the Washington Railway and Electric Company, the Anacostia and Potomac River Railroad Company, and the Capital Traction Company, in the District of Columbia, and for other purposes, was announced as next in order.

Mr. GALLINGER. Mr. President, with reference to that bill, I desire to say that the Senator from North Dakota [Mr. HANSBROUGH] is not in the Chamber at the present time. There are also certain amendments that may be offered to the bill, and so I ask that it may go over. I give notice, however, that on Monday next I shall ask to have it considered.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

## WASHINGTON AQUEDUCT AND FILTRATION PLANT.

The bill (S. 37) to transfer jurisdiction of the Washington Aqueduct, the filtration plant and appurtenances to the Commissioners of the District of Columbia was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

## WASHINGTON AND WESTERN MARYLAND RAILROAD COMPANY.

The bill (S. 2295) to extend the time within which the Washington and Western Maryland Railroad Company shall be required to complete the road of said company, under the provisions of an act of Congress approved March 2, 1889, as amended by an act of Congress approved June 28, 1906, was considered as in Committee of the Whole. It proposes to extend the time within which the Washington and Western Maryland Railroad Company is required to complete and put in operation its railroad in the District of Columbia under the provisions of an act of Congress approved March 2, 1889, as amended by an act of Congress approved June 28, 1906, for the term of one year from the 28th of December, 1907, and provides that all of the franchises, rights, and powers conferred by said acts, or either of them, may be enjoyed and exercised as fully and completely as if the railroad had been completed and put in operation prior to the 28th of December, 1907.

The bill was reported to the Senate without amendment,

ordered to be engrossed for a third reading, read the third time, and passed.

#### CORPORATIONS IN THE DISTRICT OF COLUMBIA.

The bill (S. 2028) to amend section 605 of the Code of Law for the District of Columbia, relating to corporations, was considered as in Committee of the Whole.

Mr. CULBERSON. Mr. President, I ask the Senator in charge of the bill to state what is the provision proposed to be stricken out of the existing law.

Mr. GAMBLE. I will say, in reply to the Senator from Texas, that the law as it exists, as I understand it, prohibits corporations in this District from buying and selling or dealing in real property. This proposed enactment takes them out of this exception. I will say that a similar bill passed in the Fifty-eighth and Fifty-ninth Congresses. The bill was drafted by the Commissioners of the District of Columbia, and there seems to be no good reason why such a proposition should not be enacted.

Mr. GALLINGER. In addition to what the Senator from South Dakota [Mr. GAMBLE] has said, I will say to the Senator from Texas that the law prohibits citizens of the District from engaging in this class of business, but permits corporations from outside of the District to do so, which seems unjust to the people of the District. The committee have considered the subject several times.

Mr. CULBERSON. As there seems to be a report accompanying this bill, I will ask to have it read.

Mr. GALLINGER. There is a report. Let the report be read. It is not very long.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. Gamble January 13, 1908, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 2028) to amend section 605 of the Code of Law for the District of Columbia, relating to corporations, having considered the same, report thereon with a recommendation that it pass.

A similar bill was introduced in the Senate during the Fifty-eighth Congress and favorably reported by your committee.

A bill identical in form was also introduced in the Senate during the Fifty-ninth Congress, favorably reported by your committee, and passed by the Senate.

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, whose reasons for recommending its enactment are set forth in the following letter:

OFFICE OF COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, December 9, 1907.

DEAR SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of "A bill to amend section 605 of the Code of Law for the District of Columbia," the object of which is to authorize the incorporation of companies to deal in real estate in the District of Columbia, and to recommend its early enactment.

The section now reads as follows:

"Any three or more persons who desire to form a company for the purpose of carrying on any enterprise or business which may be lawfully conducted by an individual, excepting banks of circulation or discount, corporations to buy, sell, or deal with real property, railroads, and such other enterprise or business as may be otherwise specially provided for in this code, may make, sign, and acknowledge, before some officer competent to take the acknowledgment of deeds, and file in the office of the recorder of deeds a certificate in writing."

The modification contemplated by this proposed amendment consists in the omission of the words "corporations to buy, sell, or deal with real property."

The present law prohibits corporations chartered within the District of Columbia from doing things which are not excepted as to those incorporated outside of the District, thus constituting a discrimination against citizens of the District. There is no reason apparent to the Commissioners why residents of the District should not be authorized to organize for the purposes of purchasing, improving, and selling land within the District limits on the community or park plan, much less why they should be precluded from advantages enjoyed by a combination of persons incorporated outside of the District.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

HON. J. H. GALLINGER,

Chairman Senate Committee on the District of Columbia.

Mr. BACON. Mr. President, I dislike to suggest anything that would interfere with the progress of business as desired by the Committee on the District of Columbia, but the question of the conferring of corporate powers by the Federal Government is a very important one, and I should be very glad of an opportunity to examine the bill.

Mr. GALLINGER. Let the bill go over.

Mr. BACON. I only make the suggestion with that view. I will state further, if the Senator from New Hampshire will pardon me, that, unless he has in connection with the committee of which he is chairman what might be called a judiciary committee, I think that a bill of this kind ought to be examined by the Judiciary Committee of the Senate. But I know there are able lawyers upon the Senator's committee, and if the bill has passed their scrutiny, of course I would not make that suggestion.

Mr. GALLINGER. Mr. President, if the Senator will permit me, I will say to him that the Committee on the District of

Columbia is very desirous to unload part of its work, and if there is any other committee of this body who wants that work, it will be cheerfully sent to that committee. This particular matter has been looked into by some of the lawyers on the Committee on the District of Columbia. They may be mistaken in their conclusions. I think, however, the bill ought to go over until the Senator from Georgia shall have an opportunity to examine it. So I ask that it may be passed over.

The VICE-PRESIDENT. The bill will be passed over without prejudice.

#### BRANCH LIBRARY AT TAKOMA, D. C.

The bill (S. 1476) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch was announced as next in order on the Calendar.

Mr. CULBERSON. I ask that the report accompanying that bill may be read, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. JOHNSTON January 13, 1908, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 1476) to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch, having considered the same, report thereon with a recommendation that it pass.

A similar bill (S. 6406) was introduced in the Senate during the Fifty-ninth Congress, reported favorably, and passed by the Senate.

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, December 6, 1907.

SIR: The Commissioners of the District of Columbia have the honor to transmit herewith a draft of "A bill to authorize the Commissioners of the District of Columbia to accept donations of money and land for the establishment of a branch library in the District of Columbia, to establish a commission to supervise the erection of a branch library building in said District, and to provide for the suitable maintenance of said branch," and to recommend its early enactment.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

HON. J. H. GALLINGER,

Chairman Committee on the District of Columbia,  
United States Senate.

Mr. HEYBURN. Mr. President, I shall have to object to the bill.

The VICE-PRESIDENT. Objection is made, and the bill will lie over without prejudice.

#### LOTS 13 AND 14, SQUARE 959, DISTRICT OF COLUMBIA.

The bill (S. 903) to amend section 2, chapter 433, Thirtieth Statutes at Large, entitled "An act to confirm title to lots 13 and 14, in square 959, in Washington, D. C.," was considered as in Committee of the Whole.

The bill was reported from the Committee on the District of Columbia with amendments, in section 2, page 3, line 9, after the words "Secretary of," to strike out "the Interior" and insert "War;" in line 10, after the word "such," to strike out "lost" and insert "lots;" and in line 11, after the words "Secretary of," to strike out "the Interior" and insert "War;" so as to make the section read:

SEC. 2. That said act be further amended by adding thereto a section to be designated as section 3, as follows:

"SEC. 3. That whenever it shall appear that the United States has any interest in any lot in the city of Washington, D. C., not actually occupied by any claimant and in respect of which there has not been such payment of taxes as is by the preceding section made the equivalent of possession, the jurisdiction is hereby conferred upon the Secretary of War to receive and act upon applications to purchase such lots, and, upon such terms as the said Secretary of War for the time being may see fit to impose and which in his judgment shall be for the interest of the United States, whether by requiring payment for all unpaid taxes or an additional sum, to make sale of the interest of the United States in any such lot or lots as are referred to in this section, and upon the compliance with the terms so imposed to make conveyance in fee simple on behalf of the United States to the purchaser."

The amendments were agreed to.

The bill was reported to the Senate as amended, and the amendments were concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

#### MEDICAL DEPARTMENT OF THE ARMY.

The bill (S. 1424) to increase the efficiency of the Medical Department of the United States Army was announced as next in order.

Mr. GALLINGER. Let that bill go over, Mr. President.



The VICE-PRESIDENT. The bill will be passed over at the request of the Senator from New Hampshire.

#### CLAIMS OF OMAHA TRIBE OF INDIANS.

The bill (S. 2901) authorizing the Omaha tribe of Indians to submit claims to the Court of Claims was considered as in Committee of the Whole.

Mr. KEAN. Let the report accompanying that bill be read, Mr. President.

The VICE-PRESIDENT. The report will be read.

The Secretary read the report submitted by Mr. BROWN, January 14, 1908, as follows:

The Committee on Indian Affairs, to whom was referred Senate bill 2901, authorizing the Omaha tribe of Indians to submit claims to the Court of Claims, report the same back with the recommendation that it do pass.

A bill similar to this passed the Senate at the last session of Congress, the report on that bill (S. 6190) being as follows:

"That the said bill has been submitted to the Interior Department and has received a favorable report of the Secretary of the Interior under date of June 4, 1906, and of the Commissioner of Indian Affairs under date of June 2, 1906, with suggestions as to slight modifications therein.

"The Acting Commissioner of Indian Affairs reports:

"This Office has had the matter before it for a number of years and has recommended approval of the contract between the tribe and the attorneys in order that the claim of the Indians might be passed on in a manner satisfactory to the tribe, the last report submitted to the Department on this subject being dated May 1, 1901.

"The matters relating to the Omaha tribe have been carefully considered by the Indian Office when the transactions were taking place, and each affair settled in the way that was believed to be for the best interest of all concerned, but the Indians have not been satisfied, and have for a long time insisted that they have never received their just dues from the United States. They have also insisted on their right to have some one of their own choosing make an investigation for them and prosecute their claim before the proper tribunal.

"The Office is in favor of referring intricate claims and questions involving the rights of Indians to moneys or lands due from or taken by the United States to the Court of Claims for adjudication, and if Congress sees fit to refer this matter to the Court of Claims, doubtless the findings will be satisfactory to all concerned."

"The facts appear to be that by a treaty ratified and affirmed on the 16th day of March, 1854, the Omaha Indians ceded to the United States all of their lands west of the Missouri River and south of a line drawn due west from a point in the center of the main channel of the Missouri River due east of where the Ayouway River empties out of the bluffs to the western boundary of the Omaha country. They reserved for their own use as a future home the land north of said line, provided that if upon exploration this land should prove unsatisfactory as a location the President might, with the consent of the Indians, set apart and assign to them within the ceded country south of this line a residence suited for and acceptable to them, said location on the south of the river not to be more than 300,000 acres, if they elected to take it.

"They were to be paid for the land north of the dividing line, providing they accepted a home south, at the same rate per acre as was paid for that south of the river, deducting the acreage taken for the new home. The price paid for the land so ceded was 14 cents an acre. They accepted a home containing 300,000 acres south of the line, and the area of the land north of said line was about 800,000 acres. For the difference of 500,000 acres which they claim should have been paid for at 14 cents per acre the Interior Department does not contend that settlement has been made, and from the examination and information which your committee has been able to obtain there seems to be just cause for complaint upon their part.

"These Indians were allotted in 1882 and 1883, and the period at which the trust patents will expire by limitation runs within the next two years. They will hold their lands in fee, and they have been citizens of the United States since their allotment, a period of about twenty-three years, and are reported as being competent in all ways to transact their own business. They very strongly express their desire to prosecute a suit for a general settlement with the United States, and to be represented by competent counsel of their own choice before the Court of Claims in said suit. They further insist upon a right to secure a settlement of some small unpaid balances which they believe to be due them under other treaty provisions."

The bill as now reported is in the exact form as the bill that passed the Senate at the last session of Congress, with the exception of the omission of a clause recognizing attorneys.

Mr. BURKETT. The Senator from Wisconsin [Mr. LA FOLLETTE] reported the bill and manifested some interest in it last year. He is not present. He asked me yesterday if it came up within a week to request that it should go over. If he were present, I know he would ask to have it go over and not lose its place on the Calendar. Therefore, in justice to the Senator from Wisconsin, I ask that the bill may go over for a week without prejudice.

The VICE-PRESIDENT. The bill will go over without prejudice.

Mr. KEAN. While the Senator from Nebraska is on his feet I should like to ask him something about the bill. I know he is very familiar with the subject; he once looked it up very carefully, I remember, upon the Committee on Claims. How much is involved in the bill?

Mr. BURKETT. As near as we could estimate and get at it, \$75,000; perhaps less rather than more. The Senator from Wisconsin, Mr. Spooner, looked it up also, and, as near as he could get at it, that is about what it is.

The VICE-PRESIDENT. The bill will go over without prejudice.

#### METROPOLITAN POLICE OF THE DISTRICT OF COLUMBIA.

The bill (S. 2872) to amend an act to amend section 4 of an act entitled "An act relating to the Metropolitan police of the District of Columbia," approved February 28, 1901, was considered as in Committee of the Whole. It proposes to amend the act referred to by extending its provisions in behalf of the chief engineer of the fire department and all other officers of that department of and above the rank of captain to any chief engineer of the fire department and all other officers of the department of and above the rank of foreman who were retired and pensioned in pursuance of law prior to the approval of the act referred to.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### SCHOOL OF FORESTRY IN NORTH DAKOTA.

The bill (S. 560) granting to the State of North Dakota 30,000 acres of land to aid in the maintenance of a school of forestry was announced as the next business in order on the Calendar.

Mr. KEAN. I do not see the Senator from North Dakota [Mr. HANSBROUGH] present. I think the bill had better go over.

Mr. HANSBROUGH. I hope the Senator from New Jersey will not insist upon that.

Mr. KEAN. I beg pardon.

Mr. HANSBROUGH. A similar bill passed the Senate during the last Congress. There can not be any objection to it.

Mr. KEAN. Are there any forests in North Dakota?

Mr. HANSBROUGH. We hope to have forests if the bill is passed.

Mr. CARTER. Mr. President—

The VICE-PRESIDENT. Does the Senator from North Dakota yield to the Senator from Montana?

Mr. HANSBROUGH. Certainly.

Mr. CARTER. Mr. President, on a former occasion I interposed an objection to a bill granting to the State of Wyoming certain lands for the purposes in that bill specified. I did that with a view to terminating, in so far as I could, the granting of public lands in aid of State or private projects. The proceeds of public lands have been dedicated to the reclamation service fund, and it seems to me that every donation of land made necessarily depletes the source of revenue for that very important fund. I shall object to the consideration of this bill and its passage, and to all like bills presented, upon exactly the same basis and for the same reason that I objected during the last session of Congress to the donation of public lands to the State of Wyoming.

I have been importuned, and I think every Senator from a public-land State has been importuned, to secure donations of public land for all conceivable purposes; and the purpose is generally legitimate and of a public nature. If one of these bills is permitted to pass, the Senate thus becomes committed to a continuance of the policy, and every Senator will be compelled, whatsoever his general views may be, to look well to it that his State receives its share in the general process of the distribution of the public domain by grants. I should claim for Montana its due share if we are to parcel the public domain in general grants rather than to have the land taken up under the public-land laws.

Mr. President, I have no objection to a school of forestry being established in the State of North Dakota. I know of no section of the country where the people are more in need of trees than in that particular State, and they should receive instruction in the matter of tree culture. But if we are to establish a school in that State at the expense of the Federal Government, let the school be established by a direct appropriation from the Treasury for that purpose.

The school of forestry which can be most efficient, I think, will consist of some movement by the national forestry service which will induce the farmers and property owners of the country generally to engage in the work of tree culture and tree-life preservation. The effort of the Federal Government or of a State government to plant trees at public expense must necessarily result in extraordinary expenditures of money by the Treasury and comparatively trifling results in the way of developing forests. Instructions issued by the National Forestry Bureau to the people of the various localities in the country with reference to the trees that can be planted and successfully grown in each locality will finally develop a desire amongst the people to plant trees suitable to the location in which they live, and when all the people become interested, put their shoulders to the wheel, the existing forests will be some-

what safeguarded and the country denuded of forests will be reforested. As long as we depend for success in forestry upon Government agents planting seed we will find a very trifling return for a very large expenditure of money.

Mr. HANSBROUGH. Mr. President, I simply desire to call the attention of the Senate to the fact that the State of North Dakota has established a school of forestry and the institution is now in operation. It has professors and students; it has a very fine building, and the proposed donation of 30,000 acres is simply for the encouragement of the institution. Under the bill there would be no Government agents planting trees in North Dakota. They would be planted under the instruction of the State school.

But I understand the Senator from Montana to object to the passage of the bill, and I ask that it may go over without prejudice.

Mr. CARTER. I will join the Senator from North Dakota in extending aid to schools of forestry in the respective States precisely as we now extend aid to the agricultural and experimental stations. I think the schools of forestry should be attached to the experimental stations rather than be established upon a separate basis. Let this aid not be spasmodic, but regular, so that a policy can be inaugurated with the assurance that it will be continuously sustained. The sum of \$5,000 per year to the State of North Dakota and a like sum to other States having need of instruction would be better than to take a lump area of land, to be rented out and handled by the State authorities indefinitely, for the purpose of getting what may be gotten out of the land from time to time for the aid of schools.

I am in hearty sympathy with the movement to add to every experimental station a school of forestry, increasing the appropriation to agricultural colleges and experimental stations, so as to make it reasonably certain that the States will be encouraged by some supplemental aid from the Federal Government. But I think the donation of public land in large lots is inherently wrong at this stage of the country's development.

Mr. HANSBROUGH. I ask that the bill may go over without prejudice, holding its place on the Calendar.

The VICE-PRESIDENT. The bill will go over without prejudice.

#### BOARD OF CHARITIES—BOARD OF CHILDREN'S GUARDIANS.

The bill (S. 2029) providing for the appointment of members of the Board of Charities of the District of Columbia and of the Board of Children's Guardians was considered as in Committee of the Whole. It proposes to amend the laws relating to the boards named by providing that appointments and removals of the members of the boards shall hereafter be made by the Commissioners of the District of Columbia.

Mr. KEAN. Let the report in the case be read.

The VICE-PRESIDENT. The Secretary will read the report, in the absence of objection.

The Secretary read the report submitted by Mr. NEWLANDS on the 14th instant, as follows:

The Committee on the District of Columbia, to whom was referred the bill (S. 2029) providing for the appointment of members of the Board of Charities of the District of Columbia and of the Board of Children's Guardians, having considered the same, report thereon with a recommendation that it pass.

The bill was prepared by and introduced at the request of the Commissioners of the District of Columbia, as will appear by the following letter:

OFFICE COMMISSIONERS OF THE DISTRICT OF COLUMBIA,  
Washington, December 6, 1907.

SIR: The Commissioners have the honor to transmit herewith a draft of "A bill providing for the appointment of members of the Board of Charities of the District of Columbia and of the Board of Children's Guardians," and recommend its enactment during the present session of Congress. The members of the Board of Charities are now appointed by "the President of the United States, by and with the advice and consent of the Senate," and the members of the Board of Children's Guardians by "the judges of the police court and the judge holding the criminal court of the District of Columbia," under the acts mentioned in the proposed bill.

Very respectfully,

HENRY B. F. MACFARLAND,

President Board of Commissioners District of Columbia.

Hon. J. H. GALLINGER,

Chairman Committee on District of Columbia,  
United States Senate.

Mr. KEAN. I think the bill clearly interferes with the appointing power of the President, and I suggest that it go over.

The VICE-PRESIDENT. Under objection from the Senator from New Jersey the bill will go over.

Mr. GALLINGER. I will ask the Senator from New Jersey kindly to repeat the statement he made.

Mr. KEAN. I merely stated that from the letter of the Commissioners the bill seemed to take away the appointing power from the President and to transfer it to the Commissioners.

Mr. GALLINGER. I thought that was what the Senator said, and for the RECORD I simply want to say that the Executive was consulted in regard to the matter and would be very glad to have the change made.

Mr. KEAN. If the President is willing to give up the appointments I am glad to know it, and I withdraw my objection.

Mr. GALLINGER. That is right.

The VICE-PRESIDENT. The objection is withdrawn.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

L. K. SCOTT—E. JACKMAN.

The bill (S. 820) for the relief of L. K. Scott was announced as the next business in order on the Calendar.

Mr. LODGE. Of this bill and the following one, the bill (S. 2580) for the relief of B. Jackman, we have no copies on our file, at least I have none; nor are there copies of the reports. As they are both claim bills, I think they had better go over. I shall make no objection to the bridge bills that follow.

The VICE-PRESIDENT. Without objection, the bills indicated by the Senator from Massachusetts will be passed over.

#### CUMBERLAND RIVER BRIDGE NEAR CELINA, TENN.

The bill (H. R. 10519) to authorize the Nashville and North-eastern Railroad Company to construct a bridge across Cumberland River at or near Celina, Tenn., was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### MISSISSIPPI RIVER BRIDGE AT BURLINGTON, IOWA.

The bill (H. R. 4891) to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River, was considered as in Committee of the Whole.

The bill was reported to the Senate without amendment, ordered to a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT WHEELING, W. VA.

The bill (S. 3336) to increase the limit of cost of the United States post-office and court-house at Wheeling, W. Va., was considered as in Committee of the Whole. It proposes to increase the limit from \$400,000 to \$440,000, the increase to be employed for decorations and other purposes.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time and passed.

#### PUBLIC BUILDING AT ALEXANDRIA, MINN.

The bill (S. 721) to increase the limit of cost of the United States post-office at Alexandria, Minn., was considered as in Committee of the Whole. It proposes to increase the limit from \$30,000 to \$45,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### PUBLIC BUILDING AT COLORADO SPRINGS, COLO.

The bill (S. 2981) to increase the limit of cost of the United States post-office and court-house at Colorado Springs, Colo., was considered as in Committee of the Whole. It proposes to increase the limit of cost from \$275,000 to \$290,000, the increase to be employed in substituting granite for sandstone.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### POST-OFFICE BUILDING IN NEW YORK CITY.

The bill (S. 3955) to provide for the erection of a post-office building at New York City was considered as in Committee of the Whole. It authorizes the Secretary of the Treasury to cause to be erected on the site heretofore acquired by the United States for the purpose, a suitable and commodious building, with fireproof vaults, heating and ventilating apparatus, and approaches, complete, for use as a post-office in the city of New York, at a total limit of cost, exclusive of site and special foundations heretofore authorized, of not to exceed \$3,500,000.

The bill was reported to the Senate without amendment, ordered to be engrossed for a third reading, read the third time, and passed.

#### INCREASE OF PRIVATE PENSIONS.

The bill (S. 4048) granting an increase of pension to certain soldiers and sailors of the civil war and certain widows of such soldiers and sailors was considered as in Committee of the Whole. It proposes to pension the persons named at the rate per month stated in lieu of the pension they are now receiving, as follows:



William H. Drake, late of Company A, Sixth Regiment Ohio Volunteer Cavalry, \$30.

Daniel R. Palmer, late of Company C, Twenty-third Regiment Maine Volunteer Infantry, \$30.

Milton S. Hammond, late of Company E, One hundred and forty-ninth Regiment New York Volunteer Infantry, \$30.

Edwin N. Kline, late of Battery C, Fifth Regiment United States Artillery, \$30.

Logan McD. Scott, late of Companies H and G, Fifteenth Regiment Ohio Volunteer Infantry, \$30.

William M. Wixon, late of Company C, Fourth Regiment Minnesota Volunteer Infantry, \$30.

Albert E. Goodwin, late of Company H, Third Regiment Michigan Volunteer Infantry, \$30.

Albion Crane, late of Company H, Sixty-third Regiment, and Company B, One hundred and twenty-eighth Regiment, Indiana Volunteer Infantry, \$30.

Frederic Getchell, late of Company D, Eighth Regiment Maine Volunteer Infantry, \$30.

Irving Campbell, late of Company A, Seventh Regiment California Volunteer Infantry, \$30.

Thomas W. Money Penny, late of Company B, Fifteenth Regiment West Virginia Volunteer Infantry, \$30.

George W. Phillips, late of United States ships *Sabine*, *Niagara*, and *Savannah*, United States Navy, \$30.

William G. Jordan, late of Company E, Thirteenth Regiment West Virginia Volunteer Infantry, \$30.

William Deter, late of Company E, Forty-fifth Regiment Pennsylvania Volunteer Infantry, \$30.

Palmer Atkins, late of Company A, Thirteenth Regiment Illinois Volunteer Infantry, \$30.

Edward S. Hyde, late of Company E, Third Regiment Wisconsin Volunteer Cavalry, \$30.

Job D. Lewis, late of Company F, Twenty-sixth Regiment Illinois Volunteer Infantry, \$30.

Orrel Brown, late of Company C, Sixteenth Regiment Maine Volunteer Infantry, \$30.

James J. Hartin, late of Company H, Seventeenth Regiment Indiana Volunteer Infantry, \$30.

Rawson Bailey, late of Company H, Fifty-ninth Regiment Massachusetts Volunteer Infantry, \$30.

Ferdinand Ohmes, late of Company G, Forty-sixth Regiment New York Volunteer Infantry, \$30.

Asa D. Clark, late of Company K, Seventh Regiment Michigan Volunteer Infantry, \$24.

Thomas Donohue, late of Company I, Forty-eighth Regiment Indiana Volunteer Infantry, \$24.

Thomas J. Reed, late of Company H, Twelfth Regiment Ohio Volunteer Infantry, and Company H, Fifth Regiment Ohio Volunteer Cavalry, \$24.

Charles F. Millett, late of Company F, Maine Volunteer Coast Guards, \$24.

Clarence L. Walker, late of Battery L, Second Regiment Illinois Volunteer Light Artillery, \$24.

Thomas B. Parks, late of Company C, First Regiment Arkansas Volunteer Cavalry, \$24.

Milton H. Barnes, late of Company K, First Regiment New York Volunteer Heavy Artillery, \$24.

Thomas S. Cottrell, late of Company A, Maine Volunteer Coast Guards, \$24.

Nelson S. Wellman, late of U. S. S. *Juliet*, United States Navy, \$24.

Daniel Guptill, late of Company F, Twenty-seventh Regiment Maine Volunteer Infantry, \$24.

James Henry Webb, late of Company H, Twenty-third Regiment Illinois Volunteer Infantry, \$24.

George A. Clipper, late of Company I, Ninety-fifth Regiment New York Volunteer Infantry, \$24.

Phillip Ford, late of Company E, Second Regiment Rhode Island Volunteer Infantry, \$24.

Albert T. Covill, late of Company G, Twenty-fifth Regiment Connecticut Volunteer Infantry, \$24.

William H. Hendrickson, late of Company I, One hundred and fifty-first Regiment Illinois Volunteer Infantry, \$24.

Amos Coulter, late of Company F, One hundred and seventy-fourth Regiment Ohio Volunteer Infantry, \$24.

Charles H. Randall, late of Company F, Thirty-seventh Regiment Wisconsin Volunteer Infantry, \$24.

Delos White Leach, late of Company A, One hundred and ninety-third Regiment New York Volunteer Infantry, \$24.

Joseph T. Woodward, late first lieutenant and adjutant, Twenty-first Regiment Maine Volunteer Infantry, \$24.

Enos H. Stevens, late of Company F, Twenty-ninth Regiment Maine Volunteer Infantry, \$30.

A. Judson Annis, late of Company G, Eighth Regiment Illinois Volunteer Cavalry, \$30.

James W. Shroyer, late first lieutenant Company G and captain Company H, Fourteenth Regiment West Virginia Volunteer Infantry, \$30.

John T. Fort, late of Company A, Seventh Regiment Vermont Volunteer Infantry, \$24.

Robert W. Jones, late of Fifth Independent Battery, Ohio Volunteer Light Artillery, \$24.

James Fisher, late of Company D, One hundred and first Regiment Illinois Volunteer Infantry, \$30.

Edward H. Williams, late of Company I, One hundred and Seventh Regiment Illinois Volunteer Infantry, \$30.

Henry Dulin, late of Company C, Tenth Regiment, and Company G, One hundred and fifty-fourth Regiment, Indiana Volunteer Infantry, \$30.

Albert E. Stewart, late of Company B, One hundred and forty-fifth Regiment Illinois Volunteer Infantry, \$24.

James H. Gray, late of Company K, Sixty-fifth Regiment Indiana Volunteer Infantry, \$30.

Annauis Drew, late of Company G, One hundred and thirty-sixth Regiment Indiana Volunteer Infantry, \$24.

Mathew W. Martin, late of Company H, Ninety-fifth Regiment Illinois Volunteer Infantry, \$30.

Edson H. Webster, late of the United States Marine Corps, \$24.

James P. Hubbell, late of Company C, Sixth Regiment Michigan Volunteer Cavalry, \$24.

Levi S. Beemer, late of Company A, Seventh Regiment Iowa Volunteer Infantry, \$50.

Cornelius M. Conley, late second lieutenant Company B, Ninth Regiment West Virginia Volunteer Infantry, \$30.

John C. McClurkin, late of Company F, Thirty-third Regiment Indiana Volunteer Infantry, \$24.

William F. Evans, late of Company B, Fourth Regiment Wisconsin Volunteer Cavalry, \$24.

Joseph S. Buck, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, \$24.

Edward N. Marsh, late of Company E, First Regiment Wisconsin Volunteer Infantry, \$30.

George Page, late of Company C, Fifteenth Regiment Wisconsin Volunteer Infantry, \$24.

James Foley, late of Company K, Second Regiment California Volunteer Cavalry, \$36.

Andrew J. Mullinix, late of Company B, Second Regiment Tennessee Volunteer Infantry, \$24.

Josiah R. Fox, late of Company E, Seventh Regiment Pennsylvania Volunteer Cavalry, \$30.

Charles Hamlin, late major and assistant adjutant-general and brevet brigadier-general, United States Volunteers, \$50.

James B. Linderman, late of Company K, One hundred and thirty-second Regiment Illinois Volunteer Infantry, \$24.

Lucretia G. Webster, widow of William E. Webster, late acting third assistant engineer, United States Navy, \$16.

Marth J. Browne, widow of Albert W. Browne, late of Company G, Fifth Regiment New Hampshire Volunteer Infantry, and Company A, Twentieth Regiment Veteran Reserve Corps, \$16.

Isabella Roessle, widow of Henry G. Roessle, late lieutenant-colonel Fifteenth Regiment New York Volunteer Cavalry, \$20.

Annie B. Berry, widow of Richard Berry, late acting master's mate, United States Navy, \$16.

Mary E. Walker, widow of Samuel H. Walker, late of Company F, Sixth Battalion District of Columbia Volunteer Infantry, and captain Company D, Third Regiment Maryland Volunteer Infantry, \$16.

Martha A. Sheldon, widow of Charles H. Sheldon, late captain Company I, Seventh Regiment Vermont Volunteer Infantry, \$20.

Margaret G. Gorman, widow of John M. J. Gorman, late of Company I, First Regiment Delaware Volunteer Infantry, \$16.

Harriet Garwood, widow of Richard Garwood, late of Company A, Second Regiment Ohio Volunteer Infantry, war with Mexico, and Company I, Sixth Regiment Ohio Volunteer Infantry, \$16.

Almire E. Briggs, widow of George L. Briggs, late of Company H, Eighteenth Regiment Connecticut Volunteer Infantry and One hundred and fifty-ninth Company, Second Battalion Veteran Reserve Corps, \$12.

Ada Eaton, widow of John Eaton, late of Company H, Fourth Regiment New Hampshire Volunteer Infantry, \$12.

Rose Hollihan, widow of Peter Hollihan, late of Company F, Second Regiment Rhode Island Volunteer Infantry, \$16.

Ellen E. Traver, widow of Lorenzo Traver, late acting assistant surgeon, United States Navy, \$16.

Jane Newton, widow of Francis E. Newton, late captain Company H, Twenty-ninth Regiment United States Colored Volunteer Infantry, \$20.

Nancy Baxter, widow of William W. Baxter, late of Company K, Twenty-eighth Regiment Iowa Volunteer Infantry, \$20.

Laura M. Farnham, widow of John Farnham, late of Company D, Twelfth Regiment Vermont Volunteer Infantry, \$12.

Elmira Lombard, widow of Norman W. Lombard, late of Company C, Fourth Regiment Vermont Volunteer Infantry, \$12.

Julie M. Hinsdill, widow of Chester B. Hinsdill, late lieutenant-colonel and commissary of subsistence, United States Volunteers, \$20.

Emma L. Slack, widow of John W. Slack, late of Company C, Brackett's Battalion Minnesota Volunteer Cavalry, \$12.

Elvira E. Baxter, widow of Henry Baxter, late lieutenant-colonel Seventh Regiment Michigan Volunteer Infantry and brigadier-general United States Volunteers, \$50.

Grace A. Lines, widow of Edward C. D. Lines, late captain Company C, Second Regiment Kansas Volunteer Cavalry, \$30.

Emily O. Wallace, widow of William Wallace, alias Wallis, late of Company D, First Regiment Maine Volunteer Heavy Artillery, \$16.

Mr. KITTREDGE. I move to amend, on page 11, line 13, by striking out the word "twenty-four" and inserting in lieu thereof the word "thirty."

The VICE-PRESIDENT. The Senator from South Dakota proposes an amendment, which will be stated.

The SECRETARY. On page 11, line 13, it is proposed to strike out "twenty-four" and insert "thirty," so as to read:

The name of Joseph S. Buck, late of Company F, Forty-fifth Regiment Illinois Volunteer Infantry, and pay him a pension at the rate of \$30 per month in lieu of that he is now receiving.

Mr. LODGE. Is it proposed to raise all these pensions to \$30 per month?

Mr. KITTREDGE. I consulted the chairman of the Pensions Committee, and he advised me that the amendment is within the rules which have been adopted by the Pensions Committee.

Mr. LODGE. And it has the approval of the committee?

Mr. KITTREDGE. It has the approval of the committee.

Mr. LODGE. I have no objection.

The amendment was agreed to.

The bill was reported to the Senate as amended, and the amendment was concurred in.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The VICE-PRESIDENT. This completes the Calendar.

#### EXECUTIVE SESSION.

Mr. NELSON. I move that the Senate proceed to the consideration of executive business.

The motion was agreed to; and the Senate proceeded to the consideration of executive business. After twenty-five minutes spent in executive session the doors were reopened.

#### REVISION OF PENAL LAWS.

Mr. HEYBURN. I ask that the unfinished business be now proceeded with.

The Senate, as in Committee of the Whole, resumed the consideration of the bill (S. 2982) to codify, revise, and amend the penal laws of the United States.

Mr. GALLINGER. Mr. President, we have taken two days off after to-day, until Monday next, and I think under the circumstances we ought to have a quorum of the Senate present to-day. I make the point of no quorum.

The VICE-PRESIDENT. The Senator from New Hampshire suggests the absence of a quorum. The Secretary will call the roll.

The Secretary called the roll, and the following Senators answered to their names:

Bacon	Crane	Gallinger	Perkins
Bankhead	Culberson	Gamble	Richardson
Borah	Cullom	Gugenhelm	Simmons
Brown	Curtis	Heyburn	Smith
Bulkeley	Depew	Johnston	Stone
Burkett	Dolliver	Kean	Sutherland
Burnham	Elkins	Kittredge	Taliaferro
Burrows	Flint	La Follette	Warner
Carter	Frazier	Long	Whyte
Clark, Wyo.	Frye	Martin	
Clay	Fulton	Newlands	

The VICE-PRESIDENT. Forty-two Senators have answered to their names. A quorum of the Senate is not present.

Mr. HOPKINS entered the Chamber and answered to his name.

Mr. HEYBURN. I ask that the absentees be called.

The VICE-PRESIDENT. Without objection the Secretary will call the names of absent Senators.

The Secretary called the names of absent Senators.

Mr. HEYBURN. I think in a minute or two there will be no occasion for further proceedings under the call.

Mr. WARREN, Mr. DILLINGHAM, and Mr. BRYAN entered the Chamber and answered to their names.

The VICE-PRESIDENT. Forty-six Senators have answered to their names. A quorum is present.

The question is on the amendment proposed by the Senator from Nebraska [Mr. BURKETT], which will be stated.

The SECRETARY. On page 25, line 10, after the word "years," it is proposed to strike out the words "or both," so as to make the section read:

SEC. 42. Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole, or any part of any claim, account, or demand against the United States, shall be fined not more than \$5,000, or imprisoned not more than ten years.

The amendment was agreed to.

The next section was read, as follows:

SEC. 43. No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock company, association, or firm. Whoever shall violate the provision of this section shall be fined not more than \$2,000 and imprisoned not more than two years.

Mr. BACON. Mr. President, I do not know the order in which we are proceeding. Is it understood that every section as read will be considered as agreed to?

Mr. HEYBURN. Mr. President, I understand that according to the rule under which we are proceeding, it is in order at any time to recur to a section that has been passed.

Mr. BACON. I understand that; but I was not present when the bill was first taken up, and I want to know whether its consideration is proceeding upon the assumption that a failure to indicate opposition to a section will be considered as an agreement to it as in Committee of the Whole. As I understand, the bill is now being considered as in Committee of the Whole.

Mr. HEYBURN. It will not be considered as an agreement, except that it will be considered as being passed without objection, subject always to the right to recur to it.

Mr. BACON. Then I should like to inquire of the Senator whether this provision as read from the desk is the provision as it now appears in existing law.

Mr. HEYBURN. I would direct the attention of the Senator from Georgia to part 1 of the report, page 15.

Mr. BACON. I have not a copy of the report before me.

Mr. HEYBURN. We have taken up each section in part 1 of the report; we have indicated the changes which have been made and the purpose of reporting it in the shape it appears. I refer to page 15. The sections are enumerated in their order. Section 43 is the one now under consideration. The report shows that section 43 is section 1783 of the Revised Statutes. It applies only to the officers of banking companies—that is in the existing law—or other commercial corporations. Those words have been omitted, so that the section may reach officers of any corporation. The language is also broadened so that this provision will cover the officers and agents of any joint stock company or association.

Mr. BACON. As there is a change, evidently, I will ask that the section as it now stands in the statute book may be read, so that we may see what is the pertinency of the change which is proposed.

Mr. HEYBURN. I would inquire of the Senator from Georgia whether he has part 2 of the report before him?

Mr. BACON. I have not.

Mr. HEYBURN. I would suggest to the Senator that part 2 of the report, which will give him the existing law, is printed opposite the section as read.

Mr. BACON. Very well. It is manifestly necessary that that comparison be made and that each time the law as it exists shall be read.



Mr. HEYBURN. I direct the attention of the Senator to pages 52 and 53 of part 2. The sections are in their proper order, and the Senator will find printed on the page immediately or directly opposite section 43 the existing law with a reference to the date of its enactment and the place where it is reported.

Mr. BACON. I should like to ask the Senator from Idaho to explain the reasons for these changes.

Mr. HEYBURN. I will do so, Mr. President. Section 43, which in existing law is section 1738 of the Revised Statutes of the United States, which was enacted in 1863, was intended to apply only to banking companies and other commercial corporations. Conditions in this country have changed very much since 1863. The business of the country has passed very largely into the hands of corporations other than those covered by the Revised Statutes. It is also true that other business organizations, which would be classified as joint stock companies and associations, have come into existence and are doing a great deal of business.

Now, there is no reason why the restrictions that were imposed against banking companies should not apply to all existing business organizations that are liable to be placed in the same relation to Government contracts as were banking corporations. So that the committee has merely enlarged the provisions of the statutes to cover existing conditions that have arisen largely since the enactment of the original statute. That covers the amendment, which is the incorporation of the words "joint stock company or association." In lines 9 and 10 on page 52 of the report the penalties are transposed merely in order to conform to the general manner of statement, which runs throughout the bill in the interest of uniformity.

Mr. BACON. As I understand, Mr. President, the penalty is changed.

Mr. HEYBURN. No; the penalty is not changed, except that it is transposed.

Mr. BACON. I see.

Mr. HEYBURN. As it reads now it says:

Who so acts, shall be imprisoned not more than two years and fined not more than \$2,000 nor less than \$500.

Under the general rule adopted we have abolished minimum punishments throughout the entire code, leaving that to the court. So that, with the exception of striking out the minimum punishment, the punishment remains the same as under existing law; but we have not indicated where the minimum punishment was stricken out by any mark, italics, or brackets, or such designation, because we have mentioned it in the general provision designating the changes that have been made, which are common to all of the sections.

Mr. BACON. Mr. President, I think the explanation of the Senator is very satisfactory. It seems so to me personally, at any rate, though I do not know how it may appear to other Senators.

Mr. CLAY. Let me ask the Senator from Idaho a question.

The VICE-PRESIDENT. Does the Senator from Idaho yield to the junior Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. CLAY. I regard it as a very important matter and as a very dangerous thing to undertake to amend the statutes of the country without such changes having thorough consideration by the Senate. If I understand the Senator, the old law is simply printed in Roman text and the new law in italics—that is, the amendments made by the committee. All the amendments which have been made by the committee to existing laws are printed in italics in every section, as I understand. Is that correct?

Mr. HEYBURN. That is correct. Has the Senator the report of the committee before him or the bill?

Mr. CLAY. I have the bill before me.

Mr. HEYBURN. Then I will suggest that Senators will find it much more convenient to discard the use of the bill and have part 2 of the report before them, because the bill is printed on the left-hand page of that report and the existing law is printed verbatim directly opposite on the right-hand page. It will save much trouble if Senators will use that report.

Mr. CLAY. I will ask the Senator if the committee was authorized to codify, amend, and change existing laws?

Mr. HEYBURN. The committee was authorized, I will say, by the language of the act to "propose and embody in such revisions changes in the substance of existing law"—that is, among other things, they were authorized to revise and codify and to propose changes. The Senator will find that on page 2 of part 1 of the report. The report is presented in parts 1 and 2.

Mr. FULTON. Does the Senator from Idaho refer to the report of the Commission or the report of the committee?

Mr. HEYBURN. The Senator understands that the joint committee was appointed to consider the work of the Revision Commission.

Mr. CLAY. A committee of Senators?

Mr. HEYBURN. The Revision Commission was not a committee of Senators; it was a Commission appointed by the President and confirmed by the Senate. A joint committee of the Senate and the House was appointed for the purpose of considering the work and the report of the Commission. That being the object of their consideration, they have at all times brought forward in their report the work of the Commission, either with their approval or with such suggestions in the nature of amendments as seemed to them wise. That is the form in which we have presented it.

I am prepared to refer any Senator to the section of the Commission's report, should he desire to examine it. I have the Commission's report here in two volumes. I think the Senator has it, or at least it was placed on the desks of Senators at the beginning of the session.

By a reference to the Commission's work, which is in these two volumes [indicating], reported pursuant to an act of Congress directing them to report by a given day, it may be readily ascertained what changes have been made, both by the Commission and by the committee appointed to revise the work of the Commission. Primarily this joint committee that now reports to both Houses of the Congress, and whose work is under consideration, was appointed to supervise and revise the work of the Commission. In process of doing so, as I stated yesterday in the absence of the Senator from Georgia [Mr. CLAY], I believe, the committee thought it wise to eliminate entirely about 170 sections of new legislation that had been proposed by the Commission.

Mr. CULLOM. Are they contained in these two volumes?

Mr. HEYBURN. They are contained in these two volumes to which the Senator refers, which comprise the report of the Commission to the Congress, but they are not in the report of the committee. They have been eliminated.

Mr. CULLOM. Are the laws to which the Senator refers now in force?

Mr. HEYBURN. They are not laws now; they are merely suggestions coming from the Commission. I have had them bound in these volumes.

Mr. BURKETT. I wish to ask the Senator a question in the line of my suggestion yesterday. How are we to know what the Commission have recommended and what the committee have recommended? How are we to know what appears in the bill is what the Commission recommended or what the committee recommended, or what by authority of the Commission or by the authority of the committee is left out? How are we to know what the Commission did and what it did not do by a reading of this bill?

Mr. HEYBURN. By comparison. If the Senator desires to compare the work of the committee with that of the Commission, he will find references in the report of the committee, and he will find at the end of volume 2 of the report of the Commission a reference index by sections of the Revised Statutes, and then cross references by sections of the report of the Commission. The references to sections of the Revised Statutes are also found on the right-hand page of part 2 of the Commission's report. Then, again, at the end of the committee's report the Senator will find a table of references, in the nature of an index, to sections of the bill; which makes the comparison very convenient.

Mr. BURKETT. Then, as I understand—

Mr. HEYBURN. If the Senator does not desire to take the trouble to make the comparison himself, and will call my attention to it, I have before me a comparative reference to every section of the Commission's work—for instance, section 43 is section 8650 of the Commission's report—and I will take pleasure in furnishing any Senator with that reference without putting him to the trouble of hunting it up for himself.

Mr. BURKETT. Then, in other words, if we do follow this properly and desire to know what the Commission did and what the committee did, we have got to go through this volume here, which is part 2 of the report, the index which the Senator has made up, and the two volumes of the original Commission's report—at least four volumes. Is that the idea?

Mr. HEYBURN. Mr. President, that will, of course, depend on how the Senate is going to take up this work. It is usual for the Senate to give some consideration to the work of its committees. This work has been done by a committee of the Senate and of the other House. Should the Senate, as in Committee of the Whole, find it necessary to reperform the work that the committee of the Senate has performed, it will be nec-

essary to consider, first, the Revised Statutes of the United States; second, the first and second Supplements to the Revised Statutes of the United States, and, third, all the statutes at large since the second supplement. It will be necessary for the Senate to consider those, and post them up as it would a ledger, until it had determined exactly what statutes had been repealed, what statutes had been amended, and the effect of the repeal or the amendment under the decisions of the courts in interpreting the laws throughout the entire history of this country.

Now the committee have performed that work, and I do not suppose for a moment that the Senate as in Committee of the Whole, or otherwise, intends to go over all the work that this committee has performed. If the committee was wisely selected—and that is a matter for the Senate—it is presumed to have taken up its work conscientiously and to have performed it in a capable manner.

The inquiry of the Senator, though, compels me to say that if the Senate, as in Committee of the Whole, intends to follow every subject over which this committee has traveled, it will have to devote more time than it can possibly give to any subject, however important; and, as suggested by the Senator from Georgia [Mr. CLAY], there is no subject more important than the revision of the laws of the United States.

We spend hours and days and weeks and sometimes months in Congress in discussing, considering, and settling questions of minor importance, the whole pith and meaning of which is contained probably in one section of this revision, in not to exceed five lines, and we do not consider the time misspent at all.

We come here, not only to consider a single provision that may affect a portion of the people in their personal or property rights, but we come here to consider provisions of a criminal code that affect the salvation and preservation of the country itself, because it is a criminal code enacted by Congress that stands between the Government and those who would attack it through any source, by any means. It is the criminal code that provides for the punishment of the enemies of law, of justice, of order, and of good government, and there could be no more important subject. I fully realize it.

I can not answer the inquiry of the Senator more completely I think than I have done. If the Senator means that we are to go over in this body, as in Committee of the Whole, all the work that this committee has done, then it will have to occupy the months and months that this committee has been engaged in preparing and presenting this report.

Mr. BURKETT. Mr. President, I think the Senator does not grasp just exactly my meaning. I do not want this bill delayed. I want to take it up and pass it, if we can get through with it, and I appreciate the labor that the committee has given to this matter. The Senator has read the law under which the Commission was appointed. That Commission was authorized not only to codify, but to suggest amendments, as he has read. What I was trying to get before him and to understand thoroughly was this: The Commission practically made the bill; that is, they drew it up with their suggested amendments. Now, the committee have gone out and, after a good deal of work, they have set aside some of those amendments, perhaps, or they have reported amendments of a different character. Speaking for myself, if, acting under that authorization of law, I knew that one of these amendments had been favorably considered by the Commission and then had been favorably considered by this committee, it would go a long way in persuading me that that particular amendment was exactly right. If, however, when I come to one of these amendments and I do not know whether the Commission favored it or not and do not know whether it has been considered favorably by both the Commission and the committee, or do not know but that one took one view of the matter and the other another view, I can not tell from these amendments, as they appear here, just how much weight I ought to attach to the report of this committee, because there may be a division between the Commission and the committee on the particular provision.

I simply wanted to find this out for this reason: I understood the Senator to say yesterday—and he has denied that statement, and therefore I am not saying I understand it that way now—but I understood him to say that the committee did not recommend and indorse all the amendments they suggest in bringing in the work of the Commission. Afterwards, however, the Senator stated that that was not exactly correct, because the committee did stand for what is in these amendments, and yet I recall that on yesterday the Senator pointed to section 33 and said he himself would not stand for that amendment and expected later on to raise a point of order or some objection against it and try to keep it out of the bill. So the Senator

can see that, as I understand it now, just using it as an illustration, section 33 is no part or is it a part of the Commission's report?

Mr. HEYBURN. Mr. President, section 33 is an amendment proposed by the committee, which was passed, and has not been considered. When it was reached I stated that it would be passed because it was new legislation. There are only, I think, eleven such sections in the entire bill as presented, and it was the purpose of the committee to pass them over until we had disposed of the sections not objected to.

Mr. BURKETT. I understand that; but is that section 33—

Mr. HEYBURN. The statement which the Senator understood me to make yesterday, and about which I corrected his understanding, should stand in this way: There were certain sections to which certain members of the committee reserved the right, as is usual, to object when the bill came before the respective Houses for consideration. That is not at all unusual. If a Senator does not give such notice to a committee and the committee makes a report that is otherwise unanimous, it would perhaps be considered unusual, if not a matter affecting his good faith, for him to object here without having made his objection in the committee and giving notice that he would insist upon his objection on the floor. When we reached that section I did not deem it necessary to state the fact that I had reserved the right to object, because the whole section was passed over, and it was not before the Senate as in Committee of the Whole for consideration at all. That was the position I occupied. I did not say or intend to say that the members of the committee were not unanimous in making this report. They were unanimous, subject to the ordinary rules under which unanimous reports are made—that is to say, that any objection that a Senator reserves the right to make may be made without affecting the integrity of the unanimous report.

Mr. BURKETT. Is section 33, then, the Commission's work or the committee's work?

Mr. HEYBURN. The committee's work. I do not care to enter upon a discussion of a section that has been passed over, if the Senator will pardon me—

Mr. BURKETT. I only wanted to use the illustration—

Mr. HEYBURN. Because it will confuse the consideration of this bill under the rule by which we are proceeding, and I would very much rather not refer to a section that has been passed over. When that section is taken up we will stand ready to make any explanation or suggestion that may seem pertinent to the consideration of it, but I would respectfully and earnestly ask the Senator not to bring in the consideration of sections that have been passed over, because if he does it will provoke more discussion, and the senior Senator from Colorado [Mr. TELLER], who is not present, especially requested, and I promised him, that section 33 would not come up for consideration in his absence. He is detained in the Committee on Finance.

Mr. BURKETT. I am not trying to bring up section 33. I am trying to find out and referring to that section only as an illustration, because it is the only one of this nature, so far as I know, that we have passed over. But when we reach another section, and it proposes a change as indicated by the italics, I am trying to find out how we are to know whether that has the indorsement of the Commission and the committee or whether it has the indorsement of the committee without that of the Commission. That is what I am trying to find out.

Mr. HEYBURN. If there is no objection to section 43, I ask that the reading be continued.

Mr. BACON. Mr. President, I want to call the attention of the Senator from Idaho to what I consider to be a very grave defect in this report. Nothing, Mr. President, can be more important than the enactment of law, and every change in law is an enactment of law. As I understand this report, the words printed in ordinary roman text show what was the recommendation of the Commission. Am I correct?

Mr. HEYBURN. Yes; that is the bill.

Mr. BACON. Yes; and that the changes which have been made by the committee in the recommendations of the Commission are shown by the italics. I am correct in that also, am I not?

Mr. HEYBURN. So far as the statement goes.

Mr. BACON. I hope the Senator will wait to understand me, because I have not finished.

Mr. HEYBURN. I am answering the Senator. I say he is correct as far as his statement goes, but it is not complete.

Mr. BACON. I have not finished it. I want the Senator to tell me if I am correct in that particular statement, that the



italics indicate amendments or changes proposed by the committee in what was proposed by the Commission.

Mr. HEYBURN. No—that is, not as I understand the Senator's question.

Mr. BACON. What do the italics indicate, then?

Mr. HEYBURN. I would be glad to state the fact—

Mr. BACON. I hope the Senator will permit me to go on with my statement.

Mr. HEYBURN. I would be very pleased to do so, but I supposed the Senator desired a reply to his question.

Mr. BACON. I simply want to know if I am correct in the statement as to the italics; and if not, what the italics indicate.

Mr. HEYBURN. I was proceeding to reply to the Senator when he insisted that he finish his question. Now, I will say to the Senator that what is in roman text is existing law. The Senator says that it is the report of the committee. It is a part of the report of the committee, but it is existing law. It is not all the report of the committee.

Mr. BACON. Mr. President, I think the Senator is in error in that, and I will give my reasons for stating that he is in error. As I understand the statement of the Senator, it is that the part of the reported bill which is in the ordinary roman text is existing law. Am I correct?

Mr. HEYBURN. Subject to the statement contained on page 1 of the report—I must answer the Senator in my own language; I must choose the language in which I reply—subject to the modification contained on the first page of the report, which excepts from the rule as to italics certain general provisions applicable alike to every section in the law.

Mr. BACON. Very well, Mr. President. I will then proceed to state it as I understand it, and I do not think I can be mistaken about it. It is certainly of the utmost importance that, as we go along, we should know from an inspection of the reported bill what are the changes proposed by that bill in the existing law. My suggestion—I think I might safely say "assertion"—is that there is nothing in the text of the bill which points out to us the changes which have been made between the bill and existing law.

Mr. HEYBURN rose.

Mr. BACON. Pardon me a moment, if you please—

Mr. HEYBURN. I am not going to interrupt the Senator.

Mr. BACON. I simply wish to be able to make myself understood with some degree of connectedness before the Senator interrupts me. I do not object to interruptions.

Mr. HEYBURN. I am not going to interrupt the Senator at all.

Mr. BACON. We have now before us, Mr. President, section 43. I have taken the section immediately succeeding that, which is section 44 of the bill, and which seeks to amend section 1553 of the existing law. Now, in the examination of that section I find but one word in it in italics, and that is the word "seaman," which, upon a casual glance, would naturally suggest to anyone considering the question of agreeing to that section of the bill that that was the only change proposed in existing law. That is certainly the only thing there to indicate that there is any change—the one word "seaman" in italics—and yet I have gone through that section and I have found seven distinct changes in existing law other than the word "seaman."

Now, here is the suggestion which I propose to make to the Senator, and if the Senator desires I will point out the changes before I make the suggestion. They may be unimportant changes, but how can we tell whether they are important or unimportant unless we have something to point out to us the proposed changes? In order to enable us to legislate intelligently and proceed in order, we should be able to know, without having to refer to other books, whether or not there are proposed changes, and we should be able to know it without doing as I have done with this particular section—reading it word by word and comparing each word, first with the bill and then with the existing section. Otherwise it would take a long time to pass upon each section.

Now, I want to make a suggestion to the Senator, and I do so in the utmost good faith, because I have no desire whatever to impede the progress of the Senate in the consideration of this bill; but I do most seriously object to enacting law upon the faith that any committee has done its duty.

Mr. President, we have bills continually, every day, referred to committees, but we do not legislate upon the idea that committees have done their duty. Matters are referred to committees in order that they may make examinations which it is not practicable for the Senate as a body to make; in order not that when their report is brought to the Senate the Senate shall accept and act upon it without investigation, but that with the labor thus done the Senate may decide whether or not

the conclusion reached is a proper conclusion. Now, it is an impossibility for us to determine whether or not there is a proper conclusion unless we have in convenient form on the one side the proposed change and on the other side the existing law, with something which will indicate to us at a glance the proposed change. That is not a difficult thing to do, if this report were properly put in shape.

Mr. SUTHERLAND. Mr. President—

Mr. BACON. The Senator will pardon me for a moment until I make the suggestion, and then I will with pleasure yield. The only thing in the bill as reported to indicate a change, as I state, is the italics. If they had gone further and had printed in each instance the difference between the bill and the existing law in capitals and then had included in the bill italics to indicate the difference between the report of the Commission and the recommendations of the committee, we would be able to act intelligently. But here, as I point out, there are in one section seven different changes of language, and not a thing to indicate in the bill that is proposed to us that there is any change proposed in that section. If those seven different changes had been put in roman capitals, the ordinary text agreeing with existing law in the common roman letter, and the difference between the Commission and the committee in italics, then we could have proceeded intelligently.

Now, I with pleasure yield to the Senator from Utah.

Mr. SUTHERLAND. If the Senator will turn to the first page of the report, marked part 2, he will find the first paragraph reading as follows:

Existing law is printed in roman; amendments and new sections are printed in italics; sections—

I direct particular attention to this clause—

sections which have been redrafted or from which any material matter has been omitted, or which have been formed by combining different sections or provisions of existing law are printed in brackets.

If the Senator will look at section 44, the section to which he has referred, he will find that in addition to the italicized word the section is printed in brackets.

Mr. BACON. Yes; but—

Mr. SUTHERLAND. Just a moment—indicating that other changes have been made.

Mr. BACON. But, Mr. President—

Mr. SUTHERLAND. Those changes it was found it would be utterly impossible to put in italics, because they consist of omissions, perhaps. If you omit a word, you can not, of course, put it in roman or italics. The original law which is now contained in section 44 as it appears in the Revised Statutes of the United States is to be found in section 1553 and section 5455, two different sections. If the Senator will examine the latter part of section 5455, he will find it is almost an exact duplication of section 1553. So the committee thought and the Commission before the committee acted upon it thought the proper thing to do with those two sections was to combine them in one section, making the language much more brief and much more comprehensive. But there is no substantial change made in the existing law at all. There is simply a change in the phraseology—in the arrangement of the language. But every substantive provision of those sections will be found in section 44.

Now, as I understand, that is the object of having a revision—to make these changes in phraseology, to make these changes in rearrangement. Senators here have referred to the fact that this was a codification. It is not a codification. It is a revision. There is a very well-settled distinction between a codification and a revision. A codification would mean that we would simply bring together in an orderly arrangement the exact provisions of existing law, and a revision means just what the word itself implies—that there is a revision of the phraseology of the law, a change perhaps in the arrangement of the words—and that is what this Commission and this committee have been doing. But there is absolutely no change in any substantial particular, except as indicated.

The Senator will realize that this was a pretty extensive piece of work that the Commission and the committee have been called upon to perform—to go over all these laws—and in many instances it would be found impossible to indicate changes in roman letters or in italics, and we had to adopt some other plan. We have set on the right-hand page the existing law, so that if the Senator will with his eye follow the language of the existing law as it appears upon the right-hand page as the Clerk is reading he will see precisely whatever changes have been made, and they are in every instance clearly indicated either by italics or by the brackets, so that the attention of the Senator is at once challenged to them.

Mr. BACON. I quite disagree with the Senator from Utah as to the impracticability of presenting a bill in such text that we

may see two things. First and most important, each and every change which is proposed in existing law, by Roman capitals or otherwise, indicating what the changes are, and where omissions are proposed, by a proper statement to that effect. We have very much more complicated matters constantly before the Senate in the differences between the two Houses as to amendments which are proposed upon bills which have been referred to committees and which come back, showing what was the original bill as it passed the House, for instance, what were the amendments proposed by the committee to which it was referred after it came to the Senate; and frequently where a bill is pending for a number of days in the Senate, there is a reprint day after day showing what amendments are proposed by the Senate as in Committee of the Whole. There is no difficulty whatever about it.

The only reply the Senator makes to the suggestion which I have made, that we are not put upon notice as to the changes which are proposed, is that wherever a section is changed in any particular in the bill, that section is put in brackets. But the particular changes which are proposed are not put in brackets. They put the entire section in brackets, simply to call our attention to the fact that a change is proposed, and then while the bill is being read from the desk and while we are called upon to determine whether or not we will agree to it, one has, on the one hand, to read the bill on the left and compare it, as he goes, with the words of the existing law on the right, in order to determine what the changes are.

Mr. SUTHERLAND. Mr. President—

Mr. BACON. The Senator will pardon me for a moment. In the particular section to which I have called attention—it is a short section of eight or ten lines, probably eleven—there are seven verbal changes besides the change indicated by the italics in the bill. The Senator says they are unimportant. What may be unimportant in the view of the Senator may be very important in the view of somebody else; and it is because of this difference of opinion that legislative bodies are made up of large numbers of men in order that the view of one man or of any small body of men may not control, but that in the multitude of counsel there may possibly be found wisdom.

Mr. SUTHERLAND. Will the Senator permit me to ask him a question right here?

Mr. BACON. I yield.

Mr. SUTHERLAND. The Senator says there are seven different changes made in this section—

Mr. BACON. Yes.

Mr. SUTHERLAND. Which are not indicated by italics?

Mr. BACON. Not one of them.

Mr. SUTHERLAND. Will the Senator point out one that he refers to?

Mr. BACON. I will point out the seven.

The Senator explains that these changes have been made by incorporating in this section the provisions of succeeding sections; but none the less they are changes. If the Senator will follow me, I will point them out.

Mr. SUTHERLAND. Very well.

Mr. BACON. In the very first words of the section the words "Any person who" are changed to the word "Whoever." That is one.

Mr. SUTHERLAND. Let me call the Senator's attention to a point right here. That is why I asked him to point out one change. In lieu of the words "Any person who" we have, in accordance with the general principle stated at the beginning of the bill, in order to insure uniformity, used the word "Whoever."

Mr. BACON. Very well.

Mr. SUTHERLAND. Just a moment.

If the Senator will turn to the first part of the report, he will see that the committee has put him in possession of this information.

Mr. BACON. Is it possible for Senators, in order to pass upon the question of each amendment, to refer to three or four documents and large volumes of books in order to find out what the committee intended?

Mr. SUTHERLAND rose.

Mr. BACON. The Senator will pardon me. He asked me to point out the changes, and I want him to let me do it.

Mr. SUTHERLAND. Will the Senator allow me to answer him in reference to that one change?

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from Utah?

Mr. BACON. Oh, yes.

Mr. SUTHERLAND. The Senator did not permit me to finish my answer in regard to that change.

Mr. BACON. I am not criticising the change. I am simply stating the fact that there are changes.

Mr. SUTHERLAND. I was undertaking to point out to the Senator that the committee had not neglected to report with reference to that change; and if the Senator will turn to the very first page of the report—not some other report—he will find that the general statement is made—

The change "whoever," wherever made, for "every person who," is made to bring about uniformity in style, and is not indicated by italics.

There is the general statement at the beginning of this report. What necessity is there of calling attention nearly three hundred different times to that particular change, when it is indicated by the general statement at the beginning of the report? That is the first change. It is not a substantial change. It is simply a change in phraseology.

Mr. BACON. The Senator asked me to point out the seven different changes. I am not pointing them out with a view to criticism. I am pointing them out for the purpose of substantiating the assertion that there are changes made, and innumerable changes made, when there is nothing in the reported bill to indicate to us in the text of the bill itself what the changes are.

Now I will go on, if the Senator will permit me and will bear in mind that I am not criticising the changes, but I am simply pointing out the fact that there are changes.

Mr. SUTHERLAND rose.

Mr. BACON. Will the Senator permit me to proceed?

Mr. SUTHERLAND. Certainly; but if the Senator will permit me—

The VICE-PRESIDENT. Does the Senator from Georgia yield further to the Senator from Utah?

Mr. BACON. Oh, yes.

Mr. SUTHERLAND. Before we pass from that particular matter, I want to ask the Senator if he does not see that that change is indicated in the report? I mean the change he has now called attention to—the change of language from "any person who" to the word "whoever."

Mr. BACON. I have no doubt I could find somewhere else the fact that there are such changes, but I do say that in the text of the bill itself there is nothing to indicate that there was such a change. Now I have answered that, and I want to go on and show the changes.

In the first line of the existing law, after the word "procure," the words are interpolated "any soldier in the military service or." I am not criticising the fact that they have made that change, but I am asserting the fact that they have made it, and there is nothing in the text of the bill to call our attention to the fact that there has been that change. They have that section in brackets, to call our attention to the fact that there has been some change made, but what the particular change is is not indicated.

Now, in the beginning of the fourth line of the same section the words "in any wise" are omitted. That is three.

Mr. HEYBURN. Now let us see. I want to mark these.

Mr. BACON. In the same line, after the word "such," the word "soldier" is interpolated.

Mr. SUTHERLAND. What line?

Mr. BACON. I am talking about the fourth line on page 53, where there is a copy of the existing law.

Mr. SUTHERLAND. What is the Senator reading from, may I inquire?

Mr. BACON. I am reading from the section which purports to give the existing law, on the right-hand page, and I am pointing out the number of changes which have been made in that section without a single thing in the text of the bill to indicate that there have been such changes made; and I say that unless we do have a bill reported here with some device, by type or otherwise, to indicate that there have been changes made it is impracticable and impossible for Senators to pass upon the question whether or not the changes are desirable. Now, I have pointed out four. Then, in the second line thereafter, after the word "or," the words "in any wise" are again omitted. That is five. Then, in the seventh line, the word "person" is taken out. That is six. In the line above that I should have said the word "who" is taken out, which makes seven; and in the next line, between the word "person" and "or," the word "seaman" is interpolated, which makes eight, instead of seven. Eight changes in the one section. It may be that every one of them is a proper change. I am not criticising them; but I am calling attention to the fact that in the one section there are eight changes besides the one indicated by italics, and not a single thing in the bill as reported to indicate either one of those changes, further than the fact that the sec-



tion is put in brackets to indicate that here has been some change, leaving us in this slow and tedious and almost impossible—certainly impracticable way—to find out what those changes are as we proceed to legislate.

Mr. SUTHERLAND. As I followed the statement of the Senator from Georgia, I think he is in error in saying that the language to which he referred is not contained in the section as reported by the committee. If he will compare the sections of existing law as contained on the right-hand page with section 44 as reported by the committee, he will see that while there has been a rearrangement of the language, substantially every particle of it is contained.

Mr. BACON. That, if the Senator will pardon me, would make it all the more difficult. If they have not only made a change of language, but have transposed the language, it makes it all the more difficult to follow the differences between the bill reported and the existing law. That certainly emphasizes the importance of what I have said, that there should be something in the text of the bill itself to indicate each change which is proposed.

Mr. SUTHERLAND. The Senator has undertaken to put into my mouth some words I did not use.

Mr. BACON. I beg the Senator's pardon.

Mr. SUTHERLAND. I say there has been no change made in the language, but only in the arrangement of the language. The Senator said I admitted that there had been not only a change in the language, but a change in the arrangement; something that I do not think I said.

Mr. BACON. The Senator will pardon me. I do not think I can be mistaken in the fact that he said that the two sections, 1553 and 5455, had been so rearranged as to put the matter contained in section 5455 into section 1553. I should think that is certainly a very material change. There are certainly a great many words in the bill which are not in section 1553. It is true the Senator gets them out of section 5455, a section 4,000 pages away, as it is found in existing law, from the section which he is seeking to amend.

Mr. SUTHERLAND. The two sections deal with precisely the same subject-matter and substantially cover the same ground. If the Committee on Revision had any duty at all to perform, it does seem to me that that was one of the duties—to bring together these various provisions of law—and wherever it could be done, where sections were duplicated, to put them under one section instead of having them in two or three places, as they may be in existing law. Referring to one of the phrases that the Senator spoke of, in section 1553, it reads, beginning in line 3:

Who shall in any wise aid or assist any such seaman or other person in deserting, or in attempting to desert from such service.

The Senator said that the word "attempting" had been left out.

Mr. BACON. No, I beg pardon, I did not. The Senator misunderstood me, because I have each change which I specified marked in ink; underlined. The Senator misunderstood me. "In anywise" immediately above the word "attempting" are left out.

Mr. SUTHERLAND. Yes, the words "in anywise." That is true. Those words were left out because they absolutely mean nothing.

Mr. BACON. The Senator from Nebraska [Mr. BURKET] calls my attention to the fact, as an illustration of what great changes have been made, that in the existing law the words are over 400—and he has counted them—and in the revised provision they are something less than 200—143—showing a most radical change. It may be absolutely correct, but we have no opportunity to judge of it. It is certainly a very great change. From over 400 words it has been so rewritten that it is now 143 words.

Mr. SUTHERLAND. I think, the Senator will pardon me, that might be done in a great many instances.

Mr. BACON. Yes.

Mr. SUTHERLAND. Some men have a faculty of expressing in a single sentence—

Mr. BACON. I quite agree.

Mr. SUTHERLAND. What it would require other men an hour and a half to state.

Mr. BACON. It may be that the rewritten section is entirely superior to the other, but what I mean is that there has been a very great change and we have no opportunity to judge for ourselves whether the change is desirable or not. It may be, and I presume it is, a very great improvement, as the Senator says.

Mr. HEYBURN. I should like to call the attention of the Senator from Georgia to the fact that both the Commission and the committee had before them, in the consideration of section

44, the proposition of molding together the provisions of three different acts of Congress passed during a period extending from 1863 to 1877, passed at different times to meet new conditions that had arisen. They had not been welded together in the nature of an amendment of the first enactment, but they had been passed seemingly without notice or without giving heed to the fact that there was already some legislation upon the subject. That condition was found to exist in a great many cases. Out of that condition perhaps more than out of any other arose the necessity for the revision and codification and rearrangement of these laws; where sections overlapped; where a section would be enacted to-day without taking into account the fact that there was already upon the statute books some law on that subject.

I am quite interested to know in what form the Senator from Georgia would suggest that section 44 should have appeared in print in this report. This committee now has under consideration the revision of all the laws of the United States. It is working every day upon the other titles, the general legislation of the country, and if we can receive any suggestions during the consideration of this criminal code as to a better method of presenting it we will heartily welcome it.

Mr. BACON. Will the Senator pardon me? With the assurance that I make the suggestion in the utmost good faith, with the sole desire that we may proceed intelligently—

Mr. HEYBURN. I am assuming that, of course.

Mr. BACON. Very well. If the Senator will apply to the clerical force of the Senate, which is in the habit of handling the question of the preparation of bills for printing, he will encounter no difficulty whatever in having a system suggested to him and a method prescribed by which the bill as it is proposed to be enacted can be shown to the Senate, while each change in the existing law which is proposed may also be shown in the text. That has frequently been done. It is done every session. It has been done in a number of cases where bills passed through various stages—first being considered in the House, then by a committee of the Senate, then by the Senate itself in Committee of the Whole—and in such cases day after day there has been a reprint showing the text of the measure as it appeared at each successive stage.

I do not think it is important for us to know, at least it is not to me, what were the differences between the committee and the Commission. I do not care to know that. But what I do desire to know with the utmost specific particularity is what are the changes in the existing law that are proposed by the committee.

We will take the particular section to which I have called attention, by way of illustration. It is perfectly practicable, for instance, in printing the first change to have some particular class of type and possibly by brackets to indicate that the words "Any person who" have been stricken out in the beginning of that line, and that the word "Whoever" put, for instance, in roman capitals, has been substituted therefor. That is plain, and we can see it at a glance. In the same way, in the second line of that section, where the words "any soldier in the military service or" are interpolated, it is perfectly practicable to have those words put in roman capitals, by which we will understand that they have been inserted by the committee, and so on throughout.

Mr. HEYBURN. Will the Senator pardon me?

Mr. BACON. Certainly.

Mr. HEYBURN. The identical words to which the Senator called attention in the original act are in section 44.

Mr. BACON. Of course they are. They are in the section—

Mr. HEYBURN. Line 2.

Mr. BACON. Section 44.

Mr. HEYBURN. The identical words are there.

Mr. BACON. But not, if the Senator will pardon me—

Mr. HEYBURN. Yes.

Mr. BACON. They are in section 44, it is true, but they are not in section 1553 of the existing law.

Mr. HEYBURN. They are in section 5455, from which section 44 is taken. Section 5455 is opposite.

Mr. BACON. I understand, but I do state the fact—and I presume the Senator will recognize the correctness of it—that in the proposed section, section 44, there is nothing to indicate that in section 1553 there have been these interpolations and these omissions without referring to another section to find it out.

Mr. HEYBURN. If the Senator now will permit me—and I bespeak his patience, because I may not state it as concisely as he is in the habit of doing—section 1553 is really no part of section 44. That is to say, Congress, thirteen years after the enactment of section 1553—without taking notice of it at all—

enacted a statute that included what was in section 1553 and more; in other words, enlarged it. So when the committee came to consider the existing law, while it prints opposite section 44 section 1553, it does it for the purpose of enabling the Senate to know that section 1553 was taken into consideration in making section 44.

But if the Senator will turn to the most essential document in the consideration of this bill, and that is part 1 of the report, on page 15, he will find that the committee has directed the attention of the Senate to the changes and the reason of them, and to the fact that section 44 is really taken from section 5455 rather than from section 1553. We say, on page 15, in referring to section 44:

Section 1553, Revised Statutes, is a duplication of the latter part of section 5455. The sections have therefore been combined in one section. The word "seaman," where italicized, has been added.

We found it necessary only to insert the word "seaman," because that is a term which has come into general use since the enactment of the original statute. The Department has changed the designation of a certain class of men.

Mr. BACON. The members of the committee—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. BACON. The members of the committee continually recur to the question whether or not the changes made are proper changes. I am not discussing whether the changes are proper changes. I will concede that, if the Senator desires it.

Mr. HEYBURN. Will the Senator pardon me? I know we can understand each other if we are patient. I do not raise that question at all. I only call attention to the fact that the Senator, in making a comparison between section 44 and the existing law, is making a comparison between section 44 and a section of the Revised Statutes that is not existing law, and that is not the section from which section 44 was molded.

Mr. BACON. If I understood the Senator from Utah correctly—and I do not think there is any doubt about the fact—a new section known as section 44 in the bill is made up of a combination of sections 1553 of the statutes, the existing law, and section 5455. Am I correct?

Mr. HEYBURN. May I interrupt the Senator there? It is not made up of section 1553 and section 5455, except so far as section 1553 is incorporated into section 5455. So the existing law is not in section 1553. It is in a section that so to speak embraced section 1553 and enlarged its provisions. Section 44 is taken from section 5455, and it is not fair to section 44 to compare it with a section from which it was not taken.

Mr. BACON. I have no disposition to be unfair either to the section or to the Senator.

Mr. HEYBURN. The Senator will not misunderstand me. In the use of that term I was not speaking in a personal sense, but in a comparative sense as between the sections.

Mr. BACON. The Senator said that if there was any method by which the difficulties of which we complain could be eliminated, he would like to have the suggestion made. I will repeat the suggestion to the Senators and I hope that they will endeavor to act upon it. It is to have not the entire report, but simply the part of it which is comprised in the reported bill, so reprinted that by roman capitals, brackets, or in some other way we may, when we reach a section of the bill, be able to ascertain what words are inserted as to the existing law and what words are omitted as to the existing law. That is certainly a reasonable request on the part of those who desire to know what is being done. It is an absolute, utter impossibility for any Senator, unless he had a long time for the examination of each section, to go through the various devices which have been provided by the committee and ascertain what the changes are.

Mr. HEYBURN. If the Senator will make himself familiar with the print designated as part 2, he will find that it will be impossible to carry out the plan suggested. There are instances in the report where there are from three to a greater number of statutes that have been molded into a short section by the committee. Now, how are you to print two or three pages of existing law, passed perhaps over a lapse of twenty or thirty years or more, and then incorporate in the midst of that, in a different type, probably six lines of a section? I think the Senator would find it impracticable.

We took into consideration the methods in vogue in both Houses of Congress. We had working for us as one of our principal secretaries a man whose experience has extended over probably fifteen years of this particular technical work. We gave the matter many, many days of thoughtful consideration and endeavored to adopt a plan which would most perfectly present this measure. It might be that the section under consideration,

although that would be very difficult, could be printed in connection with section 44, but to adopt it as a rule would be utterly impracticable. There are a number of instances in this report where the existing law, enacted in a fragmentary way, has been brought down and, as it were, telescoped into a few lines to express all that was in several statutes. In that case it would not aid us in considering this question that we printed those several entire enactments and in the midst of them indicate the legislation in a few lines of a different type.

Mr. CULBERSON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Texas?

Mr. HEYBURN. Certainly.

Mr. CULBERSON. I thought the Senator had concluded.

Mr. HEYBURN. I will yield the floor to the Senator from Texas.

Mr. CULBERSON. I do not rise for the purpose of discussing the particular section under consideration, but in order to have it printed I offer now an amendment to be proposed at page 62 of the bill by adding two sections. I ask that the amendment be printed.

The VICE-PRESIDENT. The proposed amendment will be printed and lie on the table.

Mr. HEYBURN. I should like to know what are the sections. We can not make a note of it here unless we know the sections.

Mr. CULBERSON. The purpose is to add after line 3, on page 62 of the bill, two additional sections. I took the liberty of offering the amendment now in order that it might be printed by the next session of the Senate. It follows section 124.

The VICE-PRESIDENT. The Secretary will proceed with the reading of the bill.

The Secretary read as follows:

SEC. 44. [Whoever shall entice or procure, or attempt or endeavor to entice or procure, any soldier in the military service, or any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or shall aid any such soldier, seaman, or other person in deserting or in attempting to desert from such service; or whoever shall harbor, conceal, protect, or assist any such soldier, seaman, or other person who may have deserted from such service, knowing him to have deserted therefrom, or shall refuse to give up and deliver such soldier, *seaman*, or other person on the demand of any officer authorized to receive him, shall be imprisoned not more than three years, and fined not more than \$2,000.]

Mr. BACON. I should like to ask the Senators who are in charge of this measure whether we are to understand that section 44 of the bill, which has just been read, is a codification, so to speak, of sections 1553 and 5455 and contains all of the essential provisions in both those sections?

Mr. HEYBURN. It was so considered both by the Commission and the committee.

Mr. BACON. Very well.

Mr. HEYBURN. The report of the Commission differs not materially from that of the committee.

The Secretary read the next section, as follows:

SEC. 45. Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or *artificer*, during the continuance of such engagement, shall retain, hire, or in any wise employ, harbor, or conceal such artificer or workman, shall be fined not more than \$50, or imprisoned not more than three months, or both.

Mr. BACON. I understand from the reading of this section and from the text as printed that there is no change in the section except the insertion of three words which are in italics, which I presume indicate the differences between the Commission and the committee, not including, of course, the word "Whoever," which has been explained. The word "artificer" in the sixth line, I understand, was interpolated. Am I correct?

Mr. HEYBURN. The word "artificer" is substituted in that case for the word "armorer," because the Department has itself substituted the use of that term.

Mr. BACON. Yes. I am not asking for the reason; I am just asking as to the fact. Then the words "or both" have been added at the conclusion. Are those the only changes made in the text?

Mr. HEYBURN. Those are the only changes made in the text.

Mr. BACON. I have no objection to those changes. I simply wished to know if there were any others.

Mr. HEYBURN. There are no others.

Mr. BACON. Am I correct in that?

Mr. HEYBURN. So far as the committee determined there are no others. I would not want to stand here and make the assertion, in reply to a question of that kind, that there were no others and then have my attention called to some that nobody had found. This has been passed upon—



Mr. BACON. Nobody will accuse the Senator of insincerity. Mr. HEYBURN. I understand. I want it understood that when I say there are no other changes I do it subject to that qualification.

Mr. BACON. If the Senator will pardon me, I am endeavoring to apply the rule which I understood the Senator from Utah [Mr. SUTHERLAND] to indicate as the one by which we should be guided. The Senator from Utah, as I understood him, indicated that wherever there was a change in the text the section was put in brackets.

Mr. HEYBURN. That is because the word "workman" is dropped out. Section 45 is not in brackets.

Mr. BACON. I know it is not, and I wish to know if from that we are to draw the conclusion that there has been no change made in the text except the one indicated by the italics.

Mr. HEYBURN. That is, the word "artificer" is substituted for "armorers."

Mr. BACON. Yes; and the words "or both" added. I simply wish to know if from the fact that there are no brackets we are to understand that there has been no change in existing law except where it is indicated by italics.

Mr. HEYBURN. Yes; that is the rule of the report.

Mr. BACON. I may be in error about it, but I think the words "or both" make the penalty not only one but both, in the discretion of the court.

Mr. HEYBURN. It is discretionary with the court. Attention is called to that in the report.

Mr. BACON. Yes; by the italics.

Mr. HEYBURN. And also in the report.

Mr. BACON. We can not follow the report at the same time we are following the text of the bill.

Mr. HEYBURN. The report was made in order that Senators might refer to it to know just what was done with each section, and it is printed in this simple form for the convenience of handling.

Mr. BURKETT. Let me ask the Senator a question. What is the object of the law? What is the occasion for it? Why have the committee recommended it?

Mr. HEYBURN. The section?

Mr. BURKETT. Yes; the section.

Mr. HEYBURN. It is the existing law.

Mr. BURKETT. I understand that they have not recommended all existing laws.

Mr. HEYBURN. Mr. President, if the committee were called upon in the consideration of this bill to either defend or recommend all the existing legislation they would have quite an undertaking, because it would involve the discussion of perhaps two hundred different acts of Congress. I do not believe that it is wise to enter upon that. The motives which may have actuated Congress in the year 1800 to enact that section, for it was enacted the 7th of May, 1800, one hundred and seven years ago, would be pretty difficult to ascertain at this time. It would be difficult to say what motives actuated Congress at that time to enact this statute. The question now is whether it is wise in this day.

Mr. BURKETT. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Certainly.

Mr. BURKETT. I am just trying to see if the committee can give their own motives. I am not asking them to give the motives of men in 1800. I ask them for their own motives. In a codification or in a revision, rather, as the Senator from Utah [Mr. SUTHERLAND] calls it, I am a little curious in this year of our Lord 1908 to know why we should come in here and solemnly enact that kind of a statute into law. I want to know what the reason is for it. Then, if we are going to reenact it, when for one hundred and seven years that penalty has been sufficient to do business and prevent this sort of interference with the work of the Government, I should like to know why the penalty should be doubled.

I should like to know why the committee has recommended the doubling of the penalty. Here is a law which provides that if anybody undertakes to entice a workman "employed in any arsenal or armory, to depart from the same during the continuance of his engagement, or to void or break his contract with the United States," he shall be fined for it. That was enacted in 1800. I should like to know if any such offense as that has ever been committed, if there has ever been any trouble in one hundred and seven years on account of anything of that sort, or if there is liable to be trouble on account of it. If there has not been any trouble under the penalty as it was, why is the committee recommending the doubling of the pen-

alty now, after one hundred and seven years of successful operation of the statute?

Mr. HEYBURN. Mr. President, I do not concede that the addition of the words "or both" is to be correctly denominated doubling the penalty at all. It is leaving a discretion in the court, to be exercised in those cases where the court in its judgment thinks that a small fine and a small term of imprisonment might probably be more beneficial than an entire fine or an entire term of imprisonment. This leaves it discretionary in the court.

The Senator certainly will not expect us to take up these laws that are now in existence and defend the wisdom of them. Further, it was not intended that either the Commission or the committee should be invested with the power to repeal laws or to enact laws that under the ordinary rules of Congress would be considered by the standing committees of the House or the Senate, and we tried in every instance to avoid the incorporation of anything into the bill which has been reported that we thought should properly go to one of the standing committees.

Mr. CLAY. Now, with the Senator's permission—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Georgia?

Mr. HEYBURN. Certainly.

Mr. CLAY. I think the Senator will find that the Commission has violated that rule. I want to call his attention to an instance. Take mailable matter. Turn to section 218. That is a section which describes what shall be mailable matter. In section 3878 of the Revised Statutes you will find that "all liquids, poisons, glass, explosive materials, and obscene books shall be excluded from the mails." I find that this committee has drawn a new section, embracing about forty or fifty lines, and specially providing that liquids shall not be excluded from the mails, but shall be transmitted by the mails. It is a new section entirely, and certainly it ought to have gone to a standing committee and should have been considered by the proper committee.

Mr. HEYBURN. It was because of that fact and that condition that in opening the consideration of this bill I suggested that all sections in italics would be passed over for consideration under a different rule. That is one of the sections that is included within the eleven new sections that have been suggested, and it is not the intention at this reading of the bill to take up or pause for the consideration of any new section.

Mr. CLAY. I would ask the Senator if he does not think that a statute which changes what shall be mailable matter ought to have gone to a standing committee and been considered by the committee before we are called upon to act on it? It changes a statute, I will say to the Senator, that has been in force for nearly fifty years.

Mr. HEYBURN. When that section is reached, if the Senator from Georgia thinks it should go to a standing committee, it will be entirely appropriate to move to refer it to a committee. That will take it out of the body of this bill. That was the purpose the committee had in mind in so designating these separate sections, both in print and in their report, that they might be readily distinguished. That is true of any other section here which contains new matter. If the Senator or any Senator thinks it should go to a committee for consideration it can be referred. But I do not think it would be profitable at this time to go out of the regular order. We must necessarily reach that section, at least I sincerely hope we will, in the orderly consideration of the bill, and then we can take it up. I ask that the reading may be proceeded with.

Mr. BURKETT. If the Senator has not given any very good reason for increasing this penalty, which it would seem has operated successfully for one hundred and seven years, I move to strike out the last two words—the words, "or both."

The VICE-PRESIDENT. The Senator from Nebraska offers an amendment, which will be stated by the Secretary.

The SECRETARY. On page 26, line 19, strike out the words "or both," at the end of section 45.

Mr. KEAN. As I understand the amendment, the words proposed to be stricken out change existing law; and if the amendment is agreed to, it will leave the law as it is at the present time.

The VICE-PRESIDENT. The question is on agreeing to the amendment proposed by the Senator from Nebraska [Mr. BURKETT].

The amendment was agreed to.

The VICE-PRESIDENT. The reading will proceed.

The Secretary read the next section, as follows:

Sec. 46. [Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo,

or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, shall be *fin*ed not more than \$5,000, or *imprisoned* not more than five years, or both.]

Mr. BACON. I would be very glad if a system could be devised by which we might know what the changes are, but as that can not be done and as the section as printed in the bill is an amendment to an amended section, as is indicated by the fact that it is in brackets, I shall have to ask the Senator to state in what particular it changes the law, or in what particulars, if there are more changes than one.

Mr. HEYBURN. It does not change existing law at all in any material manner. The word "fined" is substituted for a more elaborate expression in the existing law, and the word "imprisoned" takes the place of three other words to express the same thing. There are three paragraphs of the existing law. They are welded together into section 46, without leaving out any principle of law embodied in the original statute. The words "wantonly or maliciously" that appear in the original law are omitted from section 46 before the word "trespass" as unnecessary, as the word "willfully" will include any wanton or malicious act.

Mr. BACON. Those are the changes, the Senator says.

Mr. HEYBURN. Yes; the courts disregard those words in construing those statutes. So there is no occasion for encumbering the statute with them.

Mr. BACON. I quite recognize the propriety of the changes, but I had to have the explanation of the Senator before I could know what they were.

Mr. HEYBURN. I hope I have done so satisfactorily. I am very pleased to give the explanation.

The Secretary read the next section, as follows:

SEC. 47. *Whoever shall go upon any military reservation, Army post, fort, or arsenal, for any purpose prohibited by law or military regulation; or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter by any officer or person in command or charge thereof, shall be fin*ed not more than \$500 or *imprisoned* not more than six months, or both.

Mr. HEYBURN. Section 47 will be passed over.

The VICE-PRESIDENT. Section 47 will be passed over.

The Secretary read the next section, as follows:

SEC. 48. *Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fin*ed not more than \$5,000 or *imprisoned* not more than ten years, or both.

Mr. BACON. I simply want to call the attention of the Senator from Idaho to the fact that while none of the changes which are made in that section are, I think, material—it is a short section and I could read both sections as the reading went along—I think the changes are very proper. I want to call attention to the fact that there is an instance where the section as reported in the bill is not put in brackets, but where there are two or three changes made in the language.

Mr. HEYBURN. Mr. President, that section 48 comes strictly within class 1, stated at the beginning of the report. There is no change in it that is not within the first class, the changes which have already been fully set forth.

Mr. BACON. Still the section is not in brackets to call our attention to the fact that it is a change.

Mr. HEYBURN. The attention of the Senator from Georgia is called to it by the language of the report itself. The word "Whoever" is substituted for "Every person who" in the interest of harmony of expression.

Mr. BACON. Is that the only change?

Mr. HEYBURN. There is no other change that is not within rule 1, the first section.

Mr. BACON. Well, I see, for instance, that the word "shall" is interpolated in two places; and it is a very correct interpolation.

Mr. HEYBURN. That was merely in the interest of harmony.

Mr. BACON. I understand that.

Mr. HEYBURN. That comes within the general rule.

Mr. BACON. That ought to have been put in brackets, so as to have called our attention to it, that we might judge whether it was a proper change. We might differ from the Senator as to what was a proper change; and therefore that section ought to have been put in brackets.

Mr. HEYBURN. Would it be inappropriate to request the Senator to ask for any information that he may desire? We are prepared to make the answer.

Mr. BACON. I will try to do that.

Mr. HEYBURN. We have full notes on all these sections.

Mr. BACON. I will try to ask the Senator's attention, and I hope wherever brackets have been omitted, and therefore

the rule as laid down by the Senator from Utah [Mr. SUTHERLAND] can not be relied upon to guide us, that we may have the fact stated to us that brackets have not been put around that section.

Mr. HEYBURN. That was, of course, under rule 1.

Mr. FRAZIER. Mr. President, I notice in that section another change, or rather an omission, of some language which is found in the original act. The original act provided for fine and imprisonment and was followed by the words "at hard labor." The section as found in the bill has omitted those words.

Mr. HEYBURN. Mr. President, yesterday during the absence of the Senator from Tennessee [Mr. FRAZIER] it was explained that in every instance the provision relating to hard labor had been omitted throughout the entire revision, because the courts have held that hard labor is a part of the prison discipline of the country; that where a party is sentenced to imprisonment and hard labor is a part of prison discipline he must be subjected to it, whether it is embodied in the sentence or not; and that if he were sentenced to hard labor and sent to an institution where there was no provision for hard labor, under the law of prison discipline he would not be subject to hard labor, notwithstanding the fact that it was in his sentence. Therefore in every instance we have, because of the decisions of the courts, which have been practically uniform in that respect, omitted all reference to hard labor. So that comes under the general rule 1.

The next section was read, as follows:

SEC. 49. [Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than \$5,000, or *imprisoned* not more than five years, or both.]

Mr. BACON. Mr. President, I desire that the Senator in this case, as I think it proper, shall explain what are the changes in that section. It is in brackets, indicating to us the fact that it has been changed. We wish to know what the changes are.

Mr. SUTHERLAND. Mr. President, the only substantial change which is made is the omission of the language—

Mr. BACON. I hope the Senator will give us all the changes, because we want to judge whether or not they are substantial.

Mr. SUTHERLAND. We have, in pursuance of the uniform principle laid down at the beginning, substituted "whoever" for the language "every person who."

Mr. BACON. I will state to the Senator that I will consider that it is not necessary to repeat that.

Mr. SUTHERLAND. Then, we have left out the words "shall be deemed guilty of felony," pursuant also to another uniform principle which has been adopted. The only change, outside of a change of that character, is the omission from the revised section of the language contained in the original section, "or into which he shall carry or have in possession of said property so embezzled, stolen, or purloined."

The original law provided for the prosecution of such an offense either in the district or the circuit court of the district where the offense was committed or in any district into which the property had been carried. The committee believed that to be a violation of the provision of the Constitution which requires that trial shall be had in the district where the offense has been committed. For that reason those words were omitted.

Mr. BACON. Now, Mr. President, if the Senator will pardon me, that illustrates the very great importance of knowing what we are doing. I am inclined to differ from the committee in that particular. I do not think it would be a violation of the Constitution if we applied to such a case the well-recognized rule of criminal law. I think it is a well-recognized rule of criminal law that a man who steals property is guilty of the offense not only in the county or district in which the offense is originally committed, but that he commits the offense actually in every county into which he carries the stolen property.

Mr. SUTHERLAND. If the Senator will permit me a moment, I will state that this section applies also to the crime of embezzlement, which, of course, is complete where the goods are embezzled.

Mr. BACON. I know that, but it is not limited to embezzlement. Of course, if there were a constitutional difficulty about the application of the law in a case where one who had embezzled property had carried it into another jurisdiction, the courts would eliminate that, and say that so much of that law as it was the intention to apply to embezzlement would not be constitutional; but I do not think that there can be any question about the fact as a proposition of law that one who carries property which he has stolen into another jurisdiction can be prosecuted in that jurisdiction. If that is a well-recognized principle of criminal law it is not an invasion of the constitutional provision, which requires that a man shall be tried in the dis-



trict in which he committed the offense. I think that a very wise provision of the law which requires that a man may be tried either in the county or the district where he originally committed the offense of larceny, or within the county or the district to which he carried the property. That has been the law of this country for a long time, and I presume it is the law of every State in the United States. Why should we make that change? Why should we, to that extent, remove the criminal from subjection to the machinery which the law has heretofore provided to give the largest scope to the Government in the prosecution of a man who shall steal its property? That is one of the changes which the committee thinks an unimportant change. I think it is a very important one.

Mr. SUTHERLAND. The committee think it is an important change. I stated to the Senator that it was a substantial change.

Mr. BACON. I beg the Senator's pardon. I misunderstood him, then.

Mr. SUTHERLAND. I called attention to that as distinguishing it from the provisions which I thought unimportant.

Mr. BACON. I should like to know from both of the Senators who have actual charge of this bill, and who are eminent lawyers, if they do not think I am correct in the proposition that a man who commits larceny of property and carries the stolen property into another jurisdiction is, in the eyes of the law, one who commits larceny in the district into which he carries the purloined property. If so, how can that possibly be an invasion of the Constitution?

Mr. SUTHERLAND. I am not expressing disagreement with the Senator about that proposition. I know that some of the courts have held that in case of larceny, where the goods are carried into another county, or even into another State, the fact of carrying the goods into another county is itself a fresh asportation; but this section also includes the offense of embezzlement, to which the language certainly could not apply and be within the Constitution. The difficulty is, that if that language is left in the law, it would apply to an offense that it ought not to apply to, and would also apply to an offense perhaps that it could properly apply to, it being of that class of statutes where the bad matter can not be separated from the good. The difficulty is that, in all probability, the courts would hold the whole thing to be bad.

Mr. BACON. I will make the suggestion to the Senator that that section be included amongst those that are to be passed over. That is a vital question, I think.

Mr. SUTHERLAND. If the Senator will pardon me for just a moment, the point is that the committee think that the language which is void as applied to one part of the section is not separable in the sense that it can be eliminated, but that it will stand as applying to the good and the bad.

Mr. BACON. I think if a court was called upon to pass upon that question, if a man were before the court for embezzlement upon an indictment found in another district, where he carried property embezzled, it would simply hold that the statute to that extent did not apply to embezzlement; but it would uphold the part of the statute applying to larceny.

Mr. SUTHERLAND. The Senator will recall that in a very recent decision of the Supreme Court with reference to the employers' liability act, the principle which I have just stated was applied by the Supreme Court.

Mr. BACON. No; I do not think so at all.

Mr. SUTHERLAND. The Supreme Court said it would not undertake to separate—

Mr. BACON. I do not think the same rule would apply at all. One was in a civil matter and the other would be in a criminal matter.

Mr. SUTHERLAND. I am speaking of the employers' liability act.

Mr. BACON. That is a civil matter, and the same rule of construction would not apply.

Mr. SUTHERLAND. The rule of construction I understand to be the same as applied to a criminal statute and to a civil statute, with this difference: That in a criminal statute it is more rigorously applied, because a criminal statute is to be strictly construed.

Mr. BACON. But it is a different principle altogether.

Mr. SUTHERLAND. So that if the principle applies in a civil statute it will apply all the more to a criminal statute.

Mr. BACON. I understand that by some rule, the history of which I do not know, the sections which are contested are put in italics. I do not know why that rule should obtain.

Mr. HEYBURN. I suggest that that section be marked as being passed over.

Mr. BACON. Very well.

The next section was read, as follows:

SEC. 50. [Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than \$5,000, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender.]

Mr. BACON. I hope the Senator from Idaho will not require me to ask him each time we reach a section which is in brackets to explain what the changes are. I do not like to have to ask the Senator each time, and I should be very glad if he would follow the course I suggest.

Mr. HEYBURN. Mr. President, that section 50 is partially under the same rule we have just been discussing in regard to section 49. The report on that section is as follows:

SEC. 50. The change made in this section consists in the omission of a similar provision to that omitted from the preceding section.

That is the provision that the party may be tried in either jurisdiction. Then, in addition to that, section 50 also omits—the provision that the judgment of conviction of the principal "shall be conclusive evidence in the prosecution against such receiver," that the property which he is charged with receiving has been embezzled, stolen, or purloined.

The committee are of the opinion that such a provision would not be enforced by the courts; in other words, a man would not be convicted on the testimony given on the trial against somebody else; for, in that case, he would not have had his day in court. It was evidently a piece of inadvertent legislation. If the Senator desires to question the propriety of the omission of that provision, why, of course—

Mr. BACON. I would suggest the fact that possibly as there is the same question involved in that section as there is in the other, it go over for the present.

In addition to that, on first blush, I would think that the proper change to be made in regard to the latter point would not be the entire repeal of the clause, but a modification of it. If the word "conclusive" be changed to "prima facie," it seems to me it would put the proposed law in better shape.

Mr. SUTHERLAND. I should like to ask the Senator, for his consideration, whether he does not think the provision that conviction of the principal offender shall be either conclusive or prima facie evidence against the party prosecuted would not be a violation of that clause of the Constitution which requires that every defendant shall be confronted with the witnesses against him?

Mr. BACON. Well, I am not prepared just now to say. As I said when I made my suggestion, it was only at first blush. I have not had time to properly consider the matter. If the committee have come to that conclusion, I should certainly hesitate very much to take issue with them on it.

Mr. SUTHERLAND. I will say to the Senator that, at any rate, it was for that reason that I voted in committee to strike out the clause. I also direct the Senator's attention to the fact that the same condition exists with reference to other parts of this section, namely, that it deals with a variety of offenses.

Mr. BACON. I understand.

Mr. SUTHERLAND. The offense of receiving, as well as the other offenses. Then, in addition to the changes which I have spoken of, we have stricken out, in line 5, the words "from the United States," that being an improper limitation of the law. The language, as the committee has reported it, is:

which has theretofore been embezzled, stolen, or purloined by any other person.

Under existing law it was "or purloined from the United States." The intent of the law evidently was to punish a man for receiving goods which had been stolen, they being the property of the United States. The old law made a further limitation, that it must have been taken from the United States. There was some doubt whether this would apply to some other persons who held property of the United States.

Mr. BACON. Mr. President, the first question which the Senator suggested is certainly a very important one. I can understand how, in the absence of a presumption, there might be very great difficulty in dealing with a prosecution of that kind. At the same time, there may be a very grave doubt as to the constitutionality of it, and possibly that question ought to be pretermitted, as well as the one involved in this and which is also involved in the preceding one. So that may be put down among the contested sections.

Mr. SUTHERLAND. There is no objection.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Georgia yield to the Senator from Oregon?

Mr. BACON. I do, with pleasure.

Mr. FULTON. I want to call the attention of the Senator from Georgia and the Senator from Utah to the old section. I do not think that a proper construction of that section carries the idea that one party having been convicted, that fact will conclusively presume the property to have been the property of the United States against the other party. That presumption only obtains as against the party who has been convicted.

Mr. SUTHERLAND. I think the Senator is in error.

Mr. FULTON. The old law reads:

And such receiver may be tried either before or after the conviction of the principal felon, but if the party has been convicted, then the judgment against him shall be conclusive evidence in the prosecution against such receiver that the property of the United States therein described has been embezzled, stolen, or purloined.

Mr. SUTHERLAND. That means the original party—the party who commits the original offense.

Mr. FULTON. When I look at it again, I think the Senator is correct.

Mr. SUTHERLAND. Yes; that is conclusive evidence against the receiver, without confronting him—

Mr. FULTON. Conclusive evidence as to the fact that the property was purloined or stolen.

Mr. SUTHERLAND. Yes, of course. It is an essential fact in the prosecution.

Mr. HEYBURN. It fixes the status of the property.

Mr. BACON. As suggested to me by the Senator from Tennessee [Mr. FRAZIER], it does not presume that any particular person stole it; but it does presume the fact that it is stolen property.

Mr. HEYBURN. It establishes the fact that it is stolen property; but the fact established does not attach to the person.

Mr. SUTHERLAND. It dispenses with the necessity of proof on the part of the Government with reference to a material fact in the case.

Mr. BACON. I understand that section goes over.

Mr. HEYBURN. This section will go over.

The VICE-PRESIDENT. The section will be passed over. The Secretary will continue with the reading.

The next section was read, as follows:

SEC. 51. [Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than \$1,000, or imprisoned not more than one year, or both. Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.]

Mr. BACON. Mr. President—

Mr. HEYBURN. I will anticipate the suggestion of the Senator from Georgia. The committee reports in regard to section 51 as follows:

Section 51: The act of August 4, 1892, extended the provisions of the act of June 3, 1878, to all the "public-land States." Aside from a slight change in phraseology for purposes of revision, the only change in the section is that making imprisonment a part of the punishment, the committee believing that a fine alone is not adequate punishment for the acts denounced in the section.

That is the committee's note of it.

Mr. BACON. I am not disposed to take any issue with the report of the committee in that regard, because I know nothing about the matter of public lands, except in a very general way, having none of them in my State. Therefore, so far as the proposed change in the law is concerned, I certainly shall not interpose any judgment of my own on the subject. I do not know how that may be. I should like very much, however, to have the Senator point out the changes which he considers to be immaterial, because we might not agree with him about that.

Mr. HEYBURN. Well, Mr. President—

Mr. BURKETT. Mr. President, may I ask the Senator if this—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Nebraska?

Mr. HEYBURN. Yes.

Mr. BURKETT. Then the Senator can answer my question at the same time he answers the question of the Senator from Georgia [Mr. BACON]. Is this section the same as the Commission reported it?

Mr. HEYBURN. I will refer the Senator to the Commission's report on this section. It is found in section 8657 of the Commission's report. The Commission's report contains some expressions that are rather more wordy than those contained in this section.

Mr. TELLER. Mr. President—

The VICE-PRESIDENT. Does the Senator from Idaho yield to the Senator from Colorado?

Mr. HEYBURN. Certainly.

Mr. TELLER. I should like to ask the Senator from Idaho whether he understands that section 51 repeals the statute of June, 1878.

Mr. HEYBURN. Section 51 contains the statutes of June 3, 1878, April 30, 1878, and March 3, 1891.

Mr. TELLER. The act of 1878 provides that miners, or anybody else for that matter, may cut timber in the mineral districts. It would seem to me that this section repeals that act.

Mr. HEYBURN. I call the Senator's attention to the language commencing on line 11 of the section:

Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.

Mr. TELLER. Mr. President, the provision is certainly very much more narrow than the act of June 3, 1878. This section will confine the miner to the timber on his location. The act of 1878 authorized him to cut timber anywhere in the mineral district. It is utterly impossible for a miner, with his narrow strip of 1,500 feet by 600 in some cases, and but 300 feet in others, to get the timber he needs. If that is what the section means—and I am inclined to think it does—then it is very reprehensible.

Mr. HEYBURN. Mr. President, the statute which the Senator has in mind is an administrative statute and not a penal statute.

Mr. TELLER. No; I am talking about the act of 1878.

Mr. HEYBURN. I have it before me, and I will be pleased to read the provisions of it to the Senator. It is as follows:

Provided, That nothing herein contained shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or preparing his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States.

Those provisions contained in the act of April 30, 1878, are all incorporated in section 51. At that time the provision was limited to certain States, but afterwards extended to all the public-land States.

Mr. TELLER. I have not had time to look this matter up, but I know there is a statute of the United States, which is in force now, unless it has been repealed within the last few months—and certainly it has not been repealed by the Administration, although they have tried to repeal it, I know—a statute that does not limit a miner's right to cut timber to any place. He can cut anywhere in the district.

Mr. HEYBURN. That is true. There is such a statute in existence. It is on the side of what we are accustomed to term "administrative law," and it gives him that right. There is no occasion for any penalty, because it gives him the right to do it. That law is not affected in any way by this penal statute, which is intended to prevent him from doing something, and not to confer a right.

Mr. TELLER. Mr. President, I am not satisfied with that explanation, and, so far as I am concerned, I want a little time to investigate this matter. I want to say to the Senator that I shall make a very determined fight on this bill if that statute is not taken care of.

Mr. HEYBURN. And I should join with the Senator.

Mr. TELLER. We have had already trouble enough with the Departments, Mr. President, and they have, without any authority whatever, sought to restrict the right to cut timber to the location of the miner, not allowing him to take any timber outside of his cabin. Such is not the statute, and such was not the purpose of the statute when it was passed in 1878. It was enacted after considerable discussion on the subject, and after it had received a construction by the court. I am very much afraid that this section will be treated—I know it would be in the Department—as a repeal of the act of June 3, 1878.

Mr. SUTHERLAND. Mr. President, the statute to which the Senator refers is a statute with which, I suppose, both he and I are very familiar, because there have been many prosecutions under it.

Mr. TELLER. I drafted the statute myself originally, and I think I do know something about it.

Mr. SUTHERLAND. The statute provides, as I remember, that any person in the States mentioned may cut timber from the public mineral lands of the United States for certain purposes enumerated, including domestic uses. The statute is quite broad, and it has been interpreted by the courts to mean any use in the State, the word "domestic" being used in that section as opposed to the idea of exportation to some other State.



As I remember, the courts have uniformly held that where a prosecution is had under the provisions of section 51, the statute to which the Senator has referred may be pleaded as a defense, and it is in that way that it is always pleaded. The statute is not a criminal statute, but is a statute conferring a right upon the inhabitants of the States that are enumerated; and whenever any person is prosecuted under the statute now under consideration for having unlawfully taken timber from the public domain the statute conferring this right may be pleaded in answer.

Mr. FULTON. Mr. President—

The VICE-PRESIDENT. Does the Senator from Utah yield to the Senator from Oregon?

Mr. SUTHERLAND. I do.

Mr. FULTON. I ask the Senator what he thinks about this proposition: Passing this section as proposed, as a subsequent statute to the one the Senator has just been explaining, would it be considered, or might it not be considered, as a repeal of the administrative statute? Of course, it is contemplated, I take it, by this committee to report the administrative section in due time, and it will doubtless include the administrative act which the Senator has just been explaining; but it is proposed now to pass this criminal title, which contains this composite section 51, which makes it criminal to cut or remove timber from any lands except in certain excepted cases. That being later law than the administrative act, if you do not reenact the administrative act, would not this be construed as a repeal of it?

Mr. SUTHERLAND. My judgment, Mr. President, is that it would not. If it should be a repeal at all, it would be a repeal by implication, which is not favored as a matter of law. I do not think that the ordinary rules with reference to the repeal of statutes apply to a revision. We are simply revising existing law; we are not making any law.

Mr. TELLER. It seems to me that we are making a good deal of new law here.

Mr. SUTHERLAND. Not in this section.

Mr. TELLER. No; not in this section; but I think, as the Senator from Oregon [Mr. FULTON] suggests, you will find, with the feeling that exists in some of the Departments here, that the miner would be prohibited from cutting any timber except what is on his claim. It is very easy to correct this, so that there shall be no question, and I am going to insist that it shall be corrected before the bill becomes a law.

Mr. SUTHERLAND. Nothing can be further from any desire of mine—

Mr. TELLER. We can not dispose of this now.

Mr. SUTHERLAND. Let it be passed over.

Mr. TELLER. What I want to do is to frame this section so that it shall not, by implication or by the construction which some \$1,200 clerk in the Department may put on it, repeal the existing law.

Mr. SUTHERLAND. I think there certainly could be no objection to that course. I am as anxious as is the Senator to make it clear that that law has not been interfered with.

The VICE-PRESIDENT. The section will be passed over.

#### REPORT OF FIRST ASSISTANT POSTMASTER-GENERAL.

Mr. WHYTE, from the Committee on Printing, to whom was referred the following resolution, submitted by Mr. Penrose on the 15th instant, reported it without amendment:

*Resolved*, That there be printed for the use of the Post-Office Department 10,000 copies of the report of the First Assistant Postmaster-General to the Postmaster-General for the year ended June 30, 1907.

Mr. WHYTE. I ask unanimous consent for the present consideration of the resolution.

The VICE-PRESIDENT. Is there objection?

Mr. HEYBURN. I ask that the unfinished business be temporarily laid aside.

The VICE-PRESIDENT. In the absence of objection, it is so ordered. Is there objection to the present consideration of the resolution reported by the Senator from Maryland?

The resolution was considered by unanimous consent and agreed to.

#### NATIONAL BANKING LAWS.

Mr. ALDRICH. I ask that there may be printed 3,000 additional copies of Senate bill 3023, for the use of the Committee on Finance. We have a demand for it with which we are not able to comply.

The order was reduced to writing and agreed to, as follows:

*Ordered*, That 3,000 additional copies of the bill (S. 3023) to amend the national banking laws be printed for the use of the Committee on Finance.

Mr. KEAN. I move that the Senate adjourn.

The motion was agreed to; and (at 4 o'clock and 13 minutes

p. m.) the Senate adjourned until Monday, January 20, 1908, at 12 o'clock meridian.

#### NOMINATIONS.

*Executive nominations received by the Senate January 16, 1908.*

##### PROMOTIONS IN THE NAVY.

Commander John R. Edwards to be a captain in the Navy from the 3d day of January, 1908, vice Capt. William Swift, promoted.

Mates Frank Holler and Robert Robinson, on the retired list of the Navy, to be mates on the retired list with the rank and retired pay of the next higher grade, namely, the lowest grade of warrant officers, from the 29th day of June, 1906, in accordance with the provisions of an act of Congress approved on that date.

##### REGISTER OF THE LAND OFFICE.

J. Ernest Breda, of Louisiana, whose term expired March 18, 1907, to be register of the land office at Natchitoches, La. (Reappointment.)

##### POSTMASTERS.

###### CALIFORNIA.

Motley H. Flint to be postmaster at Los Angeles, Los Angeles County, Cal., in place of Motley H. Flint. Incumbent's commission expired January 11, 1908.

Samuel W. Metcalf to be postmaster at Sisson, Siskiyou County, Cal., in place of Samuel W. Metcalf. Incumbent's commission expired November 17, 1907.

###### COLORADO.

George W. Miller to be postmaster at Hotchkiss, Delta County, Colo., in place of George W. Miller. Incumbent's commission expired November 19, 1907.

John C. Shull to be postmaster at Berthoud, Larimer County, Colo., in place of Arthur F. Brown. Incumbent's commission expired November 19, 1907.

Paul J. Sours to be postmaster at Denver, Denver County, Colo., in place of Paul J. Sours. Incumbent's commission expires February 3, 1908.

###### CONNECTICUT.

James E. Ballard to be postmaster at Darien, Fairfield County, Conn., in place of James E. Ballard. Incumbent's commission expires January 26, 1908.

Sanford E. Chaffee to be postmaster at Derby, New Haven County, Conn., in place of Sanford E. Chaffee. Incumbent's commission expires January 26, 1908.

George H. Ford to be postmaster at Waterville, New Haven County, Conn., in place of George H. Ford. Incumbent's commission expired January 11, 1908.

Charles Harris to be postmaster at Westport, Fairfield County, Conn., in place of Charles Harris. Incumbent's commission expires January 18, 1908.

###### GEORGIA.

George P. Whigham to be postmaster at Bartow, Jefferson County, Ga. Office became Presidential October 1, 1907.

###### ILLINOIS.

August J. Beger to be postmaster at Nauvoo, Hancock County, Ill., in place of August J. Beger. Incumbent's commission expires January 20, 1908.

Benjamin W. Belsley to be postmaster at Roanoke, Woodford County, Ill. Office became Presidential January 1, 1908.

Albert Bothfuhr to be postmaster at Grant Park, Kankakee County, Ill., in place of Albert Bothfuhr. Incumbent's commission expires January 18, 1908.

Tracy W. Buckingham to be postmaster at Potomac, Vermilion County, Ill., in place of Tracy W. Buckingham. Incumbent's commission expired January 11, 1908.

Milton S. Fulton to be postmaster at Washburn, Woodford County, Ill. Office became Presidential January 1, 1908.

David Herriott to be postmaster at Morgan Park, Cook County, Ill., in place of David Herriott. Incumbent's commission expired December 17, 1907.

Joseph Lawton to be postmaster at Milledgeville, Carroll County, Ill. Office became Presidential January 1, 1907.

Eugene L'Hote to be postmaster at Milford, Iroquois County, Ill., in place of Eugene L'Hote. Incumbent's commission expires January 25, 1908.

John F. Newlin to be postmaster at Chrisman, Edgar County, Ill., in place of John F. Newlin. Incumbent's commission expired January 11, 1908.

Wallace Revell to be postmaster at Stillman Valley, Ogle County, Ill. Office became Presidential January 1, 1907.

William T. Robinson to be postmaster at Kenilworth, Cook County, Ill. Office became Presidential January 1, 1908.

Howard E. White to be postmaster at Fairmount, Vermillion County, Ill., in place of Howard E. White. Incumbent's commission expires January 18, 1908.

William Wilson to be postmaster at Palatine, Cook County, Ill., in place of Henry C. Matthei, resigned.

## INDIANA.

Charles C. Fester to be postmaster at Clay City, Clay County, Ind., in place of Charles C. Fester. Incumbent's commission expires January 18, 1908.

Charles Smith to be postmaster at Westfield, Hamilton County, Ind. Office became Presidential January 1, 1908.

## IOWA.

Caleb H. Wickersham to be postmaster at West Branch, Cedar County, Iowa, in place of Caleb H. Wickersham. Incumbent's commission expired January 11, 1908.

## KANSAS.

William C. Edwards to be postmaster at Wichita, Sedgwick County, Kans., in place of Marshall M. Murdock, deceased.

George H. Leisenring to be postmaster at Ellis, Ellis County, Kans., in place of George H. Leisenring. Incumbent's commission expired January 4, 1908.

Anna Wood to be postmaster at Selden, Sheridan County, Kans. Office became Presidential January 1, 1908.

## LOUISIANA.

C. C. Johnson to be postmaster at Melville, St. Landry Parish, La. Office became Presidential October 1, 1907.

## MAINE.

Rufus C. Reed to be postmaster at Damariscotta, Lincoln County, Me., in place of Rufus C. Reed. Incumbent's commission expires January 29, 1908.

## MICHIGAN.

Elmer Pryce to be postmaster at Tustin, Osceola County, Mich. Office became Presidential January 1, 1908.

Samuel L. Willits to be postmaster at Remus, Mecosta County, Mich. Office became Presidential January 1, 1908.

## MINNESOTA.

John H. Carlaw to be postmaster at Balaton, Lyon County, Minn. Office became Presidential January 1, 1908.

## MISSOURI.

Edward W. Flentge to be postmaster at Cape Girardeau, Cape Girardeau County, Mo., in place of Edward W. Flentge. Incumbent's commission expired December 19, 1907.

Frank A. Hardin to be postmaster at Cabool, Texas County, Mo., in place of Frank A. Hardin. Incumbent's commission expires January 22, 1908.

Albert F. Huggins to be postmaster at Shelby, Shelby County, Mo., in place of John L. Fields. Incumbent's commission expired February 12, 1907.

Clarence M. Zeigle to be postmaster at Buncheon, Cooper County, Mo., in place of Clarence M. Zeigle. Incumbent's commission expires February 2, 1908.

## NEBRASKA.

Leander H. Jewett to be postmaster at Broken Bow, Custer County, Nebr., in place of Leander H. Jewett. Incumbent's commission expires January 18, 1908.

## NEVADA.

Ernest B. Loring to be postmaster at Fairview, Churchill County, Nev. Office became Presidential October 1, 1907.

## NEW JERSEY.

James E. Jones to be postmaster at Florence, Burlington County, N. J. Office became Presidential January 1, 1908.

## NEW YORK.

Henry R. Bryan to be postmaster at Hudson, Columbia County, N. Y., in place of Henry R. Bryan. Incumbent's commission expired December 17, 1907.

Allerton C. Farr to be postmaster at De Kalb Junction, St. Lawrence County, N. Y. Office became Presidential January 1, 1908.

Charles C. Johnson to be postmaster at Antwerp, Jefferson County, N. Y., in place of Charles C. Johnson. Incumbent's commission expired December 17, 1907.

Charles T. Knight to be postmaster at Monroe, Orange County, N. Y., in place of Charles T. Knight. Incumbent's commission expires January 18, 1908.

Hiram B. Odell to be postmaster at Newburgh, Orange County, N. Y., in place of Hiram B. Odell. Incumbent's commission expires January 18, 1908.

Theodore C. Wethey to be postmaster at Savannah, Wayne County, N. Y. Office became Presidential January 1, 1907.

## NORTH DAKOTA.

Cecil H. Taylor to be postmaster at Garrison, McLean County, N. Dak. Office became Presidential April 1, 1907.

## OKLAHOMA.

George Stowell to be postmaster at McLoud, Pottawatomie County, Okla., in place of Marshall A. Younkman, resigned.

## PENNSYLVANIA.

Roger A. McCall to be postmaster at Trafford City, Westmoreland County, Pa. Office became Presidential January 1, 1908.

Harvey W. Marburger to be postmaster at Denver, Lancaster County, Pa. Office became Presidential January 1, 1908.

## TENNESSEE.

John J. Duff to be postmaster at Lenoir City, Loudon County, Tenn., in place of William C. Cassidy. Incumbent's commission expired January 14, 1908.

## UTAH.

Lars O. Lawrence to be postmaster at Spanish Fork, Utah County, Utah, in place of Lars O. Lawrence. Incumbent's commission expires January 29, 1908.

John Peters to be postmaster at American Fork, Utah County, Utah, in place of John Peters. Incumbent's commission expires January 29, 1908.

## VERMONT.

Mary W. Chase to be postmaster at Derbyline, Orleans County, Vt., in place of Mary W. Chase. Incumbent's commission expires January 25, 1908.

## WISCONSIN.

John R. Davies to be postmaster at Cambria, Columbia County, Wis. Office became Presidential January 1, 1908.

George G. Gaskill to be postmaster at Argyle, Lafayette County, Wis. Office became Presidential January 1, 1908.

J. E. Huff to be postmaster at Florence, Florence County, Wis., in place of Joseph E. Parry. Incumbent's commission expires January 21, 1908.

Mary A. McAskill to be postmaster at Glidden, Ashland County, Wis. Office became Presidential January 1, 1908.

Duncan McLennan to be postmaster at Rib Lake, Taylor County, Wis. Office became Presidential January 1, 1908.

John C. Mitchell to be postmaster at Kaukauna, Outagamie County, Wis., in place of John A. Watson. Incumbent's commission expired January 14, 1908.

Joseph E. Parmelee to be postmaster at West Salem, La Crosse County, Wis., in place of Joseph E. Parmelee. Incumbent's commission expires January 18, 1908.

Frank H. Smith to be postmaster at Pardeeville, Columbia County, Wis. Office became Presidential January 1, 1908.

Frank Tucker to be postmaster at Princeton, Green Lake County, Wis., in place of Frank Tucker. Incumbent's commission expires January 18, 1908.

Albert C. Wagner to be postmaster at Edgar, Marathon County, Wis. Office became Presidential January 1, 1908.

## CONFIRMATIONS.

*Executive nominations confirmed by the Senate January 16, 1908.*

## GOVERNOR OF PORTO RICO.

Regis H. Post, of New York, to be the governor of Porto Rico.

## SECRETARY OF PORTO RICO.

William F. Willoughby, of the District of Columbia, to be secretary of Porto Rico.

## TREASURER OF PORTO RICO.

Samuel D. Gromer, of Missouri, to be treasurer of the island of Porto Rico.

## COMMISSIONER OF EDUCATION OF PORTO RICO.

Edwin Grant Dexter, of Illinois, to be commissioner of education of Porto Rico.

## COLLECTOR OF CUSTOMS.

George F. Roth, of New York, to be collector of customs for the district of Genesee, in the State of New York.

## PROMOTIONS IN THE REVENUE-CUTTER SERVICE.

Second Lieut. Eugene Blake, jr., to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1907.

Second Lieut. James Freeman Hottel to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 4, 1907.

Second Lieut. Philip Henshaw Scott to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 2, 1907.

Second Lieut. William Joseph Wheeler to be first lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 23, 1907.



Third Lieut. James Louis Ahern to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from March 17, 1907.

Third Lieut. Lloyd Toulmin Chalker to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from March 20, 1907.

Third Lieut. Edward Darlington Jones to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from June 23, 1907.

Third Lieut. Stanley Vincent Parker to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from August 23, 1907.

Third Lieut. Archibald Howard Scally to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from March 2, 1907.

Third Lieut. Russell Randolph Waesche to be second lieutenant in the Revenue-Cutter Service of the United States, to rank as such from September 2, 1907.

#### POSTMASTERS.

##### FLORIDA.

W. A. Allen to be postmaster at De Land, in the county of Volusia and State of Florida.

John C. Beekman to be postmaster at Tarpon Springs, in the county of Hillsboro and State of Florida.

Charles F. Haskins to be postmaster at Sanford, in the county of Orange and State of Florida.

David P. Morgan to be postmaster at Perry, in the county of Taylor and State of Florida.

##### GEORGIA.

George F. Flanders to be postmaster at Swainsboro, Emanuel County, Ga.

##### IDAHO.

Waller E. Babcock to be postmaster at Parma, Canyon County, Idaho.

Mary P. Jones to be postmaster at Malad City, Oneida County, Idaho.

Charles W. Wilson to be postmaster at Sandpoint, Bonner County, Idaho.

##### KANSAS.

Edward C. Hill to be postmaster at Burr Oak, Jewell County, Kans.

Roy A. Hoisington to be postmaster at Leoti, Wichita County, Kans.

##### MONTANA.

Charles S. Stafford to be postmaster at Culbertson, Valley County, Mont.

##### NEBRASKA.

George A. Allen to be postmaster at Clay Center, Clay County, Nebr.

Calvin Bradshaw to be postmaster at Farnham, Dawson County, Nebr.

Henry Kleven to be postmaster at Culbertson, Hitchcock County, Nebr.

Francis M. Pfrimmer to be postmaster at Stratton, Hitchcock County, Nebr.

Erick P. Reichardt to be postmaster at Oxford, Furnas County, Nebr.

##### NEW YORK.

James H. Callanan to be postmaster at Schenectady, Schenectady County, N. Y.

##### NORTH DAKOTA.

John S. Gee to be postmaster at Flaxton, Ward County, N. Dak.

Reinhart Gilbertsen to be postmaster at Glenburn, Ward County, N. Dak.

Mathew Lynch to be postmaster at Lidgerwood, Richland County, N. Dak.

##### OHIO.

George H. Lewis to be postmaster at Bluffton, in the county of Allen and State of Ohio.

Charles B. Marble to be postmaster at Bedford, in the county of Cuyahoga and State of Ohio.

##### PENNSYLVANIA.

Frank R. Hammond to be postmaster at Bolivar, Westmoreland County, Pa.

James A. Pearce to be postmaster at Avonmore, Westmoreland County, Pa.

##### SOUTH DAKOTA.

John D. Fargo to be postmaster at Redfield, in the county of Spink and State of South Dakota.

#### EXTRADITION WITH SPAIN.

The injunction of secrecy was removed January 16, 1908, from the message from the President of the United States, transmitting a treaty and protocol between the United States and Spain for the mutual extradition of criminals.

#### HOUSE OF REPRESENTATIVES.

THURSDAY, January 16, 1908.

The House met at 12 o'clock noon.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

#### LEAVE OF ABSENCE.

Mr. WANGER, by unanimous consent, was granted leave of absence for the remainder of this week on account of important business.

#### ADDITIONAL MESSENGERS FOR POST-OFFICE.

Mr. HUGHES of West Virginia. Mr. Speaker, I desire to offer the following privileged report from the Committee on Accounts.

The Clerk read as follows:

*Resolved*, That there shall be paid out of the contingent fund of the House compensation at the rate of \$100 per month, each, during the sessions of the Sixtieth Congress, to additional messengers, not to exceed five in number, to be employed under the direction of the Postmaster of the House in delivering and collecting mail at the office of Members, officers, and employees of the House, and at committee rooms.

Mr. CLARK of Missouri. Mr. Speaker, I would like to hear some explanation of this resolution.

Mr. HUGHES of West Virginia. I will say for the information of the gentleman that this resolution provides for five additional employees to the House post-office, four of them to deliver mail to the new Office Building, one for each floor, and the fifth one will collect the mail from the mail chutes in the new building. The committee made a thorough investigation of this matter with the Postmaster of the House, and he said the force he had at present was not sufficient to deliver the mail for the new building and that nearly all the Members have asked that this service be given them.

Mr. UNDERWOOD. Mr. Speaker, I would like to have the gentleman from West Virginia yield five minutes to me.

Mr. HUGHES of West Virginia. I will yield five minutes to the gentleman from Alabama.

Mr. UNDERWOOD. Mr. Speaker, I am never opposed to the increase of the employees of this House where they are needed, and I believe in being liberal in our treatment of the employees of the House of Representatives. But it seems to me as clear as any proposition can be that this is practically a waste of money and an employment of men for whom we have no use whatever. The mail is delivered to-day to every Member of this House at his home twice a day. Now, it is folly to say that a Member wants his mail delivered at his home and wants four deliveries in the Office Building. As a matter of fact, we all know that a Member of this Congress who is paying attention to his business does not need his mail delivered at his home twice a day. If he is attending to his duty as a Congressman, he gets that mail in the morning and goes to the House and sits there until adjournment, and he has no use for mail in his office at any other time of day except in the morning; and even if he wants it in his office, he does not want it at his home; and if he wants it at his home, he does not want it at his office. Here is a force of men already employed at the Capitol sufficient to deliver this mail to the homes of Members of Congress twice a day, going blocks apart and finding Members' homes.

Yet the gentleman says that the Postmaster of the House post-office contends that it will take more men to deliver mail from office to office in these new public buildings than it will to deliver mail from house to house in the District of Columbia. I know of cases of large office buildings in my own city, office buildings that have as many tenants as there are and will be in the new Office Building over here, where one single letter carrier in the city makes two or three deliveries a day to everybody in those buildings, and to contend that it is necessary for us to employ additional men when the present force that is delivering mail throughout the city will necessarily have to be reduced when their work will fall off when the Members order their mail delivered at the Office Building, it seems to me, is folly. Those men can be used to make these deliveries in the Office Buildings. It shows one of two things beyond a doubt, and that is that the Postmaster in charge of the House post-office is absolutely inefficient and unable to attend to his duties or that you are employing a number of men merely for the purpose of providing jobs for somebody or somebody's representative.

Mr. NORRIS. Will the gentleman from West Virginia permit me to ask him a question?

Mr. HUGHES of West Virginia. Yes.

Mr. NORRIS. I notice from what the gentleman said yesterday morning that it was contemplated that the first delivery of mail at the Office Building would be at 9 o'clock in the morning. Is that right?

Mr. HUGHES of West Virginia. Yes.

Mr. NORRIS. Now, can it not be arranged so that we can have an earlier delivery in the morning?

Mr. HUGHES of West Virginia. Yes. If the gentleman will allow me, as the mail is delivered now from the post-office the carriers in the city go to the post-office at 4.20 in the morning. They sort their mail at the city post-office building. Then they deliver this mail, which takes them until about 9 o'clock. Then that force of carriers go home, get their breakfast, and go back to the post-office in the Capitol. They then sort their mail for the evening delivery, and start out on their evening trip at 3.30. Their time is taken up with that until about 7 o'clock. These same carriers that go out in the early morning, if the Members so elect, will deliver mail at the offices of Members on that trip, or any place Members want it delivered in the city. Then the mail that comes in at 9, at 10.30, at 12.30, and 2.30 will be delivered in the new Office Building if the Members so desire. The Postmaster of the House can be depended on to make proper and satisfactory regulations.

Mr. NORRIS. Now, if the gentleman will permit me right there, I had a talk this morning with the gentleman in charge of the post-office. He said that they were unable to make a delivery in the Office Building as early as they could make deliveries in different parts of the city to the Members at their hotels or their homes. There are many of us that would like our mail delivered at the Office Building instead of at our homes, but we would like it delivered earlier than 9 o'clock in the morning. This post-office is not open until 9 o'clock in the morning, and the result is that we can not get our mail delivered until after 9 o'clock.

Mr. MANN. Oh, the gentleman will get it all right.

Mr. NORRIS. To avoid that, as I understand it, to get earlier mail, as I instructed the Postmaster this morning, I will have to have it delivered at my residence early in the morning at the regular delivery, and then I will have to carry it to the Office Building myself. It seems to me that Members ought to be allowed to have their mail delivered, if they prefer it, at the Office Building. It would be less expense, and it should be delivered at an early hour—at least as early as 8 o'clock in the morning.

Mr. HUGHES of West Virginia. I will say for the information of the gentleman that I think the Postmaster is mistaken, or else I misunderstand the situation. It will be just as easy for the Postmaster on that early delivery, and perhaps easier, to deliver a great deal of this mail in the new Office Building than to residences on account of the offices being in one place, instead of being scattered. I think that will be done. I am sure that if Members prefer to have their mail delivered at the Office Building on that early trip it will be done.

In reply to the gentleman from Alabama [Mr. UNDERWOOD] I have this to say. He stated that Members who attend to their duties here should not receive their mail more than twice a day, and that before they came here and after they got through with the business of the House. The gentleman well knows that perhaps 75 per cent of the mail that comes in is taken care of by the different secretaries of Members, and this mail can be delivered in the Office Building and be disposed of, and then such mail as requires personal attention of the Member can be given it after the secretary has sorted it. In this way the work of Members is facilitated a great deal. I know that if I had personally to go through and look after every piece of mail that I receive I would not have a minute's time to put in in this House.

Mr. GOULDEN. Will the gentleman yield me a moment?

Mr. HUGHES of West Virginia. Yes.

Mr. GOULDEN. In reply to the gentleman from Alabama, I would say that the committee has given this most careful consideration, and that it was intended for the benefit and convenience of the Members. It is intended to expedite the work of the Representatives, so that they may be able to keep up with the great mass of correspondence that comes to each Member from his constituents.

If the Members feel it will not be a convenience and a benefit to have their mail during the day, then vote it down. The members of the committee have no axes to grind in this matter and no desire to increase the force in the employ of this House, but we believe, after a careful inquiry among Members, that this will be a convenience as well as a benefit to

the Members. I believe, Mr. Speaker, that nothing can be done that will give more opportunity for Members to attend to their mails in season than to grant what is provided for in this resolution, and therefore I hope the resolution will pass. [Applause.]

Mr. HUGHES of West Virginia. Mr. Speaker, I just wish to add this: This resolution was introduced by Mr. MANN, who is chairman of the Commission on this Office Building, and he said that this service is absolutely necessary.

The question was taken, and the resolution was agreed to.

On motion of Mr. HUGHES of West Virginia, a motion to reconsider the last vote was laid on the table.

#### MESSAGE FROM THE PRESIDENT OF THE UNITED STATES.

A message, in writing, from the President of the United States was communicated to the House of Representatives by Mr. LATTA, one of his secretaries.

#### MUNICIPALITY OF UTUADO, PORTO RICO.

The SPEAKER laid before the House the following message from the President of the United States, which was read, referred to the Committee on Insular Affairs, and ordered to be printed:

To the Senate and House of Representatives:

In accordance with the provisions of section 32 of the act of April 12, 1900, entitled "An act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes" (31 Stat., 77), I transmit herewith copy of a franchise granted by the executive council of Porto Rico to the municipality of Utuado, entitled "An ordinance granting to the municipality of Utuado the right to take 390 gallons of water per minute from Creek Grand, in the municipality of Utuado, for the purpose of supplying the inhabitants of the municipality with water," approved January 3, 1908.

THEODORE ROOSEVELT.

THE WHITE HOUSE, January 16, 1908.

#### BRIDGE ACROSS WHITE RIVER, ARKANSAS.

Mr. BRUNDIDGE. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 12439) authorizing the construction of a bridge across White River, Arkansas, with an amendment thereto in the nature of a substitute, which I send to the desk and ask to have read.

The Clerk read the substitute at length.

The SPEAKER. Is there objection. [After a pause.] The Chair hears none.

The substitute amendment was agreed to.

The bill as amended was ordered to be read the third time, was read the third time, and passed.

On motion of Mr. BRUNDIDGE, a motion to reconsider the last vote was laid on the table.

#### DAM ACROSS THE MISSISSIPPI RIVER.

Mr. STEENERSON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 7606) to amend an act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, in Beltrami County, Minn.," approved March 3, 1905, which I send to the desk and ask to have read.

The Clerk read the bill, as follows:

Be it enacted, etc., That the time limited in which to complete the dam authorized by the act entitled "An act permitting the building of a dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn.," approved March 3, 1905, be, and the same is hereby, extended for a period of one year.

The SPEAKER. Is there objection?

Mr. PAYNE. Was the original authorization for this dam under the general act? As I understand, this is to extend the limit of time, and now I want to know whether the original authorization was under the general act.

Mr. STEENERSON. I think it was under a special law passed two years ago. I do not think the general act had been passed at that time. The cause of asking the extension is that they were unable to put in the concrete in cold weather.

Mr. PAYNE. They are actually building the dam?

Mr. STEENERSON. They are actually building the dam and specifications and plans have been accepted by the War Department.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

On motion of Mr. STEENERSON, a motion to reconsider the last vote was laid on the table.

#### OLD CUSTOM-HOUSE, NEW YORK.

Mr. FITZGERALD. Mr. Speaker, I move to discharge the Committee on Public Buildings and Grounds from the further consideration of the following resolution and put it upon its passage.

The SPEAKER. The Clerk will report the resolution.



The Clerk read as follows:

Resolution 124.

Resolved, That the Secretary of the Treasury be, and he is hereby, directed to inform the House of Representatives:

(A) Whether the final payment on account of the purchase price of the premises in the city of New York, N. Y., known as the old custom-house, has been made, and the date of such payment.

(B) Whether a deed to said premises has been delivered to the purchaser thereof, and if such deed has been delivered to said purchaser the date of such delivery; on what day the new custom-house in New York City, N. Y., was formally opened, and the day the old custom-house in said city was finally discontinued for use of the United States.

(C) Whether the said old custom-house in New York City, N. Y., has been turned over to the purchaser thereof, and the date of such transfer.

The SPEAKER. The gentleman from New York moves to discharge the Committee on Public Buildings and Grounds from the further consideration of this resolution.

Mr. MANN. Mr. Speaker, a parliamentary inquiry.

The SPEAKER. The gentleman will state it.

Mr. MANN. There is nothing here to indicate whether it is privileged at this time or not. Is this a privileged resolution now?

The SPEAKER. The resolution seems to have been referred on the 8th day of January, and this is the 16th. Six days have elapsed.

The question is on the motion to discharge the committee.

The question was taken, and the motion was agreed to.

Mr. FITZGERALD. Mr. Speaker, I ask for the adoption of the resolution.

The SPEAKER. The question is on agreeing to the resolution.

The question was taken, and the resolution was agreed to.

On motion of Mr. FITZGERALD, a motion to reconsider the vote by which the resolution was agreed to was laid on the table.

REVISION OF CRIMINAL CODE.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House resolve itself into Committee of the Whole House on the state of the Union for the further consideration of the bill (H. R. 11701) to revise and codify the penal laws of the United States.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House on the state of the Union, with Mr. BANNON in the chair.

The CHAIRMAN. The amendment pending before the committee is the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], the amendment being to section No. 114.

Mr. HARDWICK. Mr. Chairman, I offer a substitute to the gentleman's amendment, and on that I desire to be heard.

Mr. NORRIS. Mr. Chairman, a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. NORRIS. The Chair, I think, has forgotten that there was a motion made to amend the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], and that motion ought to be voted on first.

The CHAIRMAN. The amendment offered by the gentleman from Nebraska [Mr. NORRIS] to strike out the last clause of the amendment of the gentleman from Mississippi [Mr. WILLIAMS] is pending.

Mr. NORRIS. Yes, sir.

Mr. HARDWICK. Mr. Chairman, I offer a substitute to the gentleman's amendment.

The CHAIRMAN. The Clerk will report the substitute offered by the gentleman from Georgia [Mr. HARDWICK].

The Clerk read as follows:

Whoever shall directly or indirectly take, receive, or agree to receive from any person, or shall directly or indirectly offer or agree to give, or give, to any person, any money, property, or other valuable consideration to procure or aid in procuring or attempt to procure the appointment of any person to any office or place under the Government of the United States, or any officer or Department thereof, shall be fined not more than \$10,000, or imprisoned not more than two years, or both, and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

Mr. HARDWICK. The amendment of the gentleman from Mississippi [Mr. WILLIAMS] will, I think, do, and I am perfectly willing to support it; but I have offered this substitute, however, for that amendment.

Mr. COCKRAN. Mr. Chairman, there is so much confusion I would like to have that amendment again reported.

The CHAIRMAN. Request has been made by the gentleman from New York [Mr. COCKRAN] that the Clerk report the substitute offered by the gentleman from Georgia [Mr. HARDWICK]. The Clerk will again report the substitute.

The amendment was again reported.

Mr. NORRIS. Mr. Chairman, I want to make a point of order against the substitute at this time.

The CHAIRMAN. The gentleman will state it.

Mr. NORRIS. When we adjourned yesterday there was pending before the House, and the Chair was about to put the motion, a motion made by me to strike out a part of the amendment proposed by the gentleman from Mississippi [Mr. WILLIAMS]. Now, it strikes me that before a substitute can be offered for the amendment of the gentleman from Mississippi [Mr. WILLIAMS] we must first be allowed to perfect, and my motion was to that effect, and I think it would not be in order until my motion has been disposed of.

The CHAIRMAN. The Chair thinks what the gentleman from Nebraska [Mr. NORRIS] states is true, as to the voting—that is, the vote will have to be taken first on the amendment offered by the gentleman from Nebraska [Mr. NORRIS] to the amendment made by the gentleman from Mississippi [Mr. WILLIAMS]. But the amendment offered by the gentleman from Georgia [Mr. HARDWICK] can be pending.

Mr. HARDWICK. Mr. Chairman, as I started to say to the members of this committee, I quite agree that the gentleman from Mississippi [Mr. WILLIAMS] has correctly stated the proposition. However, his amendment was hastily drawn, and I do not believe that its phraseology is quite as accurate or quite as brief.

Mr. WILLIAMS. Mr. Chairman, the gentleman will excuse me. If that is true, it was a hasty resolution on the part of the Committee on Revision, for I copied their language.

Mr. HARDWICK. The gentleman, however, has interpolated some words, and, in my opinion, the interpolation did not improve either the grammar or the meaning of the section. Still, I am not inclined to be technical about that. I think the gentleman's amendment to the section would serve the purpose I am endeavoring to accomplish, and I will be glad to support it, and will support it with pleasure, unless my substitute should find favor in the eyes of the committee.

The substitute that I offer makes it further illegal to attempt, without success, to bribe anybody who has the appointing power, and as the gentleman's amendment, and as the committee's language, even, did not include that, I therefore offer the substitute.

Mr. OLMSTED. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Pennsylvania.

Mr. OLMSTED. I desire to take the floor when the gentleman concludes.

The CHAIRMAN. Does the gentleman yield?

Mr. HARDWICK. I do not yield the floor.

Mr. OLMSTED. I thought the gentleman had concluded.

Mr. HARDWICK. I am trying to conclude.

Now, Mr. Chairman, I realize the difficulties under which this committee labors. I realize that it is a difficult matter to ask the Committee of the Whole House to go into making new law. But I respectfully and earnestly submit to the consideration of every Member on both sides of this Chamber that the amendments offered by the gentleman from Mississippi and myself, both amendments, do not violate the rule laid down by the committee itself. In their report I find that they say that they have themselves offered new legislation under three different sets of circumstances. I want to quote from the second, on page 7 of their report, in which they say:

Second. To provide for the punishment of certain offenses which in the experience of the departments have been found to be of frequent occurrence, but for the punishment of which there is at present no statute.

Now, for the information of those who are present this morning but who were not present yesterday, I desire to say that the amendment now pending simply undertakes to remedy an omission of the existing law by broadening the language of the statute. Under existing law no one except a Member of Congress or a Delegate can be punished, if he is bribed in an effort to obtain an appointive office.

The CHAIRMAN. The time of the gentleman has expired.

Mr. HARDWICK. I would like to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Georgia? [After a pause.] The Chair hears none.

Mr. HARDWICK. Now, this is all that is proposed by this statute—not to change the phraseology employed by the committee, not to make any new crime, not to enact new law, but simply to extend the classes of persons who will be embraced under the law if this amendment is adopted. In the South, in every State of it, appointive offices are filled upon the recommendations of unofficial persons known as referees. These referees act, in turn, on the advice of committeemen, national, State, and county. Under existing law, if any of these committeemen or any of these referees accept any amount of money for an indorsement they are not guilty of any crime against the laws of the United States, and yet we have had many such offenses committed by Republican committeemen, at least.

Now, the effect of this amendment is to say that when anybody, officeholder or anybody else, takes a bribe in order to secure an appointment to a Federal office he shall be guilty in law, as he is in fact, of a crime against the United States. What honest man can object to that? What honest man on either side of this Chamber can oppose it? Do you want to throw a cloak about bribery? Do you want to condone the sale by auction of Federal offices in any part of this country? Do you want to leave your statutes so that those who have thriven on this detestable trade can continue this nefarious and indefensible practice? If you do not, vote for the amendment—for either of these amendments. If you do, do not attempt to shelter yourselves behind the excuse that this is no place to do it. Gentlemen of the committee, I have been trying to get a law of this kind enacted for the past five years. For five years a bill has been before the Committee on the Judiciary seeking to accomplish that purpose, and yet it has been unacted on and undisposed of. Unless we do this thing now, these criminals will be allowed to go on unwhipped of justice in the future as in the past, and the public service will continue to suffer, to the shame and disgrace of the nation.

Five years ago there was a tremendous scandal about this thing in the very district that I now represent. The President of the United States was shocked and horrified at the condition of affairs that the report of post-office inspectors sent by him to that district disclosed, and yet when we came to examine into it we found that this very statute was so incomplete, so narrow and so inadequate, that there could be no prosecutions of either the bribe givers or the bribe takers.

We ask you here, now, laying aside all partisan feeling, laying aside all technical objections, laying aside everything of that kind, to rise to a higher plane, to the plane of honest men, and to fix this statute so that if this practice continues in the South, and people continue to give and receive bribes for dishing out these offices, they can at least be punished in the courts of the United States.

Mr. BONYNGE. I desire to ask the gentleman from Georgia whether he thinks the crime, if it be a crime, that he is attempting to reach by this section, or by the amendment that he has offered, is a greater crime than fraud in the election of Members of Congress?

Mr. HARDWICK. I will have to refer the gentleman from Colorado to other States than mine for an answer to that question. That is not a practical question with us. The other is.

Mr. BONYNGE. I will ask the gentleman another question, then.

Mr. HARDWICK. Yes.

Mr. BONYNGE. Whether he thinks there should be a Federal regulation of the election of Members of Congress, and that crimes committed in the election of Members of Congress should be punished in the Federal courts?

Mr. HARDWICK. The gentleman knows that in five minutes I can not undertake a discussion of this question. I do think so to some extent, and the gentleman knows fully my views on that subject. But how he, or anybody else, can say that the Federal Government ought not to punish attempts to peddle out appointive Federal offices and auction them off on the block is a thing I can not understand.

[Here the hammer fell.]

Mr. GARDNER of Massachusetts. Mr. Chairman, the gentleman from Georgia [Mr. HARDWICK] has challenged any Member on this side of the House who is honest in his beliefs to oppose this amendment on its merits. I accept the challenge, and I propose to oppose it not only on its merits, but with respect to the wisdom of its consideration at this particular time.

Let me tell the committee about a situation that occurred some time ago in my district. The nomination of a certain Federal officer was sent to the Senate of the United States. His qualifications under the Federal statutes were denied by a man who was a legitimate opponent for appointment to the same position. That contestant employed persons to come to Washington to protest against confirmation. The nominee likewise employed counsel to defend his case. Such a statute as is proposed by the gentleman from Georgia and the gentleman from Mississippi would have made criminals of both of these men and of their supporters.

Then, again, let us suppose, for the sake of argument, that the Commissioner of Labor, Mr. Neill, were to be promoted, as I hope that sometime he will. I do not want to see him leave his present place, because I think he is one of the best men in the Government service; but suppose he were to be promoted, and suppose the labor unions throughout the country found a man that they were satisfied was just the man to succeed him

at the head of the Bureau of Labor. Again, suppose, as would be perfectly proper, that they employed men to go through the labor locals of this country with a paper seeking signatures asking the President for this appointment. Men so employed must be paid. Would you make them criminal, Mr. Gentleman from Georgia?

I have another case in mind that was brought to my notice yesterday. A former constituent of mine was removed from one of the Departments for an infraction of discipline. He sought to take a new examination. He was permitted by the Civil Service Commission to do so. Subsequently the Commission refused to mark his papers. Very likely it had a legal right to refuse; but at all events the candidate had also a right to investigate the question. He has hired counsel to present his claim of the right to have his papers marked. Are he and his counsel to be adjudged criminal?

Mr. HARDWICK. Would the gentleman think a man who came to Washington, who agreed to allow his expenses to be paid, has for that reason been bought, and would the thing which this amendment covers relate to a case like that?

Mr. GARDNER of Massachusetts. Absolutely.

Mr. OLIMSTED. It certainly would.

Mr. GARDNER of Massachusetts. Mr. Chairman, to go on, I object for two reasons, as I said before, and I confess to the House that I do not even care a bit for the law as it stands now. I am tired of humbug legislation on this kind of question.

We have tied ourselves up and made ourselves criminals if we go before Departments and present a case as counsel for pay, but we appear every day and present the same case in order to get votes to help us hold our \$7,500 job. This amendment makes it criminal for our constituents to pay anyone to circulate a petition for appointment; and yet every one of us goes home and engages in holy and unholy deals, which amount to exactly the same thing in the long run. Do you think we can square ourselves with our constituents by humbug legislation of this sort, pretending to unusual virtue which we do not possess, when there is not a man within the sound of my voice who does not know that he can evade either of these statutes if he so chooses?

You may catch an unfortunate Member of the House, or an unfortunate member of the Senate, some time or other who has unintentionally violated this section or has not covered his tracks carefully, while far greater misdemeanors go unwhipped of justice. Why, gentlemen, you can not restore the confidence of the American people in the House of Representatives by humbug legislation, and don't flatter yourselves that you can. What we must do to restore public confidence in ourselves is not to pass measures which everybody knows can be evaded, but rather either to pass legislation that the people demand, or, if we think that the people's demands are wrong, to stand up and give our reasons for our belief.

I shall not move to strike out the whole section, because it is now on the statute book. When we are engaged merely in indexing the public statutes it is absurd to attempt to change the organic law without any hearings before committees, and without any consideration other than such as is possible in the middle of all this noise and confusion. Organic law should be changed only after full hearing, and, therefore, not only because of the want of merit in the gentleman's proposition, but also because of the inadvisability of haphazard changes in Committee of the Whole House, I hope both amendments will be defeated.

Mr. PAYNE and Mr. WILLIAMS rose.

The CHAIRMAN. The gentleman from New York.

Mr. WILLIAMS. Is the gentleman from New York on that side of the question?

Mr. PAYNE. I am on that side of the question, and we have not taken one-half as much time on this side as the gentleman's side has used, and I propose to speak now if I can get an opportunity.

The CHAIRMAN. The Chair had already recognized the gentleman from New York and did not see the gentleman from Mississippi rise.

Mr. WILLIAMS. I suggest to the Chairman that it would be fairer to recognize a Member first on one side and then on the other.

The CHAIRMAN. The Chairman will remind the gentleman from Mississippi that ten minutes was allowed to the gentleman's side of the House in opening the debate, and on this side only five minutes have been consumed at the present time.

Mr. PAYNE. Mr. Chairman, as to the fairness of the recognition, if there were twenty speakers of five minutes each on this side, it would not equalize the time consumed by the other side on this proposition.



Now, I rise to speak in the same line as the first part of the speech of the gentleman from Massachusetts [Mr. GARDNER]. I approve of the statutes so far as they tie up Members of Congress. I do not believe a Member of Congress ought to practice before a Department or to procure offices. I am willing that they should be punished by severe penalties if they break over the rule; but this proposed section goes a good deal further. If a man was employed by the postmaster, or by a man who desired to be a postmaster, at \$2 a day, to circulate a petition appointing him, he would be liable under this amendment to a fine and imprisonment and a forfeiture of his citizenship—all three. I do not think there is a man on this floor who would assert that it was not a proper thing for a man who desired to be postmaster to hire a man to circulate a petition asking that he be appointed to the office. It covers not only every case cited by the gentleman from Massachusetts, but it covers this case.

Let us look at the language. It says:

Whoever shall directly or indirectly give, pay, promise, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any office or place from the United States or from any officer or Department thereof, for any person whatever, or for giving any such office or place to any person whomsoever; or whoever, directly or indirectly, shall give, pay, promise, receive, or agree to receive, any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such office or place, shall be fined not more than \$10,000 and imprisoned not more than two years, and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.

This committee is asked to indorse such a section as that to be incorporated into this statute. This illustrates the evil of trying to frame criminal statutes in Committee of the Whole in the House of Representatives. Why, since this proposed amendment was introduced by the gentleman from Georgia [Mr. HARDWICK], it has been so amended that its dearest friend would not recognize it. First, he tried to make a law that would prevent any person from practicing before any Department in behalf of any other person in reference to any contract to be entered into between that party and the United States Government. Then it was amended, and we went on with a chapter of discoveries and a chapter of amendments, even the authors of the amendments not standing for the proposition which they had gravely presented to the House. It shows the utter impossibility of framing in this way a criminal statute which seeks to take away a man's liberty and to confine him in prison and to take away his privilege of forever after at any time holding an office of trust or emolument in the United States. It is a monstrous thing to attempt to do this in Committee of the Whole without careful consideration. If there is a growing evil in the South or anywhere else of procurers of office being bribed or exacting bribes, let the proper statute be drawn and sent to the Committee on the Judiciary, which is a hard-working committee and which gets its time before this House for the consideration of its measures—

Mr. HARDWICK. Will the gentleman yield?

Mr. PAYNE. Not in the midst of a sentence—so that they may weigh the language used. How very important is the language used in the statute!

Mr. HARDWICK. Will the gentleman yield?

The CHAIRMAN. The gentleman has declined to yield.

Mr. PAYNE. I did decline to yield, Mr. Chairman, in the midst of a sentence. This is the first moment I have taken on this proposition, and I am interrupted constantly in the midst of a sentence. There can be but one purpose.

Mr. HARDWICK. Will the gentleman yield now while he is not in the middle of a sentence?

Mr. PAYNE. The gentleman will not yield and hopes that the gentleman will understand that I do not yield.

Mr. HARDWICK. I do understand at last.

Mr. PAYNE. Why, even the crossing of a "t" or the dotting of an "i" or the putting in of a comma at the wrong place sometimes so utterly changes the effect of a statute that we can not be too careful in enacting new laws of a penal character in having them thoroughly examined by a committee of the House appointed from the lawyers of the House for the purpose of effecting such legislation. If they want this remedy, if they want proper penal laws on the complaints which they have made, let them take that course. But let us go on and put these statutes in proper position with reference to each other, so that they may be published in a volume that every man may see at a glance what are the penal statutes of the United States, and vote down these amendments that are offered, no matter how good the object may be, in order that we may catch some poor insignificant devil in this country, a citizen of the United States entitled to his liberty, who may be accused under an unjust law and made infamous by indictment and prosecu-

tion. The danger of legislating in this way in Committee of the Whole must be apparent to every man in this House. [Applause on the Republican side.]

Mr. WILLIAMS. Mr. Chairman, I had hoped that this amendment would receive a calm, dispassionate, and certainly a nonpartisan consideration from the House. I understand, of course, what it means when the gentleman from New York [Mr. PAYNE] springs to his feet to oppose it. That means an attempt at any rate to make a partisan and party opposition to it. I have heard—I don't know whether it be true or not, and I state it with that qualification—that the party whip upon that side of the Chamber has once or twice since this bill has been under consideration sent out notices that Republican Members be here, as if this were a party matter. Mr. Chairman, I do hope that the gentlemen will do themselves the justice to remember that this is an amendment to the laws, dealing with a question of corruption, and certainly a question of corruption can not be a party question upon the floor of the American House of Representatives. I am absolutely astonished at some of the positions that have been taken here this morning—that of the gentleman from Massachusetts [Mr. GARDNER], for example. Mr. Chairman, there is not one word in this amendment which by the very utmost torturing could lead to the conviction of a man who came on to Washington to help a friend get a confirmation at the hands of the Senate or an appointment at the hands of the President upon the ground that the man did not pay his own expenses in coming. There is nothing struck at in the amendment except where a man receives something as "a consideration" for aiding somebody to get an office or procuring an office, the something received being a thing of value. Then the gentleman went on away out upon another limb, and he wants the House to believe if a man secured an attorney to represent him in connection with a mooted point before the Civil Service Commission or somewhere else, that that would be covered and punished by this amendment. Next the gentleman from New York [Mr. PAYNE] tells us that the language is crude and the amendment hastily drawn.

Is the gentleman aware of the fact that this precise language, with the exception of three words—"give, promise, or pay"—is the carefully selected language of the committee itself as applicable under the preceding section to exactly the same offense when it pertains to Members of Congress, Delegates, and Resident Commissioners? In so far as the language is concerned, it is merely adopting and copying that which has been carefully prepared by the committee. The only difference between the substitute offered by the gentleman from Georgia and the motion I offered is that it inserts the language "or attempts to procure," after the word "procure."

Now, gentlemen, allow me to appeal to you. I am the Democratic leader upon this floor, but I am not talking in that rôle now. I am aiming at a real crime. Once, in my own State, there was a man who was subsequently sent to the penitentiary for a different offense. He was a Republican referee and postmaster at my own town. It was openly bruited that whenever a man wanted a recommendation of that man for an office he had, as a rule, to pay for it. The man in the course of time grew bolder and bolder; having made money out of indorsements for office he finally concluded that he would take something from Uncle Sam's till in the post-office itself. He did it and was sent to the penitentiary for the last offense. But for that last offense he would never have been guilty of a Federal offense and might be, for all I know, a highly honored Republican "referee" yet. If this amendment does not satisfy you, in God's name draw one for yourself. [Applause on the Democratic side.] Are you going to permit eight or ten States of this Union whose Federal offices have been in the past, to a large extent, controlled by the indorsement of referees, to run the risk of just such a system as I have a moment ago given you an illustration of?

Mr. Chairman, can any man who will take the trouble to read this amendment—and I will read it again—for one moment imagine that it hits an attorney representing a claim for a man before a Department? If a man comes to Washington to put in a word for a friend, as any gentleman would do and under the circumstances pays his own way, or if he comes along and the other man pays his way, I see nothing in this statute proclaiming that he can not do that unless it appeared in the evidence before the jury that the office seeker paid his way as a "consideration" for procuring the indorsement, and that he so received it. If that were the case, both ought to be punished.

There may be those who have not heard this amendment read. Let me read this to those Members who have

been sent for and brought in here without having heard a word to cast a seeming party vote in connection with this purely legal matter punishing corruption. Two or three times an amendment has been carried—twice, I think I remember, once I know—by those who heard the argument, and then men sent for from committee rooms, when the question of tellers arose, defeated the amendment, carried by those gentlemen who, being in the House, had heard the amendment read and discussed. And, as I said yesterday, I asked gentlemen on the Republican side passing by me after going between the tellers, speaking in a jocular way, "I will give you a nickel if you can tell me the amendment against which you have just voted," and they told me they could not earn the nickel. [Applause on the Democratic side.] This is a serious matter—

Mr. GARDNER of Massachusetts rose.

The CHAIRMAN. Does the gentleman from Mississippi yield to the gentleman from Massachusetts?

Mr. WILLIAMS. I do.

Mr. GARDNER of Massachusetts. Does the gentleman think most of those who voted for these amendments were aware of what they were voting upon?

Mr. WILLIAMS. I think most of them were, as was demonstrated by the fact that those who were in their seats and heard the arguments voted the amendments up, and those who came in and had not heard it voted the amendments down. [Applause on the Democratic side.] Now, Mr. Chairman, here is the amendment, and the language, I repeat, is taken and copied from the language of the committee, except the words "give or promise."

SEC. 114a. [Whoever shall directly or indirectly give, pay, promise, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any appointive office, or appointive place from the United States or from any officer or Department thereof, for any person whatever, or for giving any such appointive office, or appointive place to any person whomsoever; or whoever, directly or indirectly, shall give, pay, promise, receive, or agree to receive any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such appointive office, or appointive place, shall be fined not more than \$10,000 or imprisoned not more than two years or both; or shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States.]

And the only difference between this and the amendment to my amendment offered by the gentleman from Georgia [Mr. HARDWICK] is that before the word "procure" here he inserts "or attempt to," so that it will read, "procure or attempt to procure." But in both the thing of value must be paid as a "consideration for" the indorsement, and if it be paid as a "consideration for," and that is the reason of the indorsement given and received, nothing can be more corrupt nor corrupting and nothing can more greatly deserve reprobation at the hands of this House and punishment in the courts. [Applause on Democratic side.]

Mr. OLMSTED. Mr. Chairman, we have under the rules of this House two committees to which particular reference may be made. The rules require that all acts relating to the criminal or civil laws of the United States shall be referred to the Committee on the Judiciary and that all revision of the laws shall be referred to the Committee on Revision of the Laws.

Mr. HARDWICK. Will the gentleman let me ask him a question?

The CHAIRMAN. Will the gentleman from Pennsylvania [Mr. OLMSTED] yield to the gentleman from Georgia [Mr. HARDWICK]?

Mr. OLMSTED. Certainly.

Mr. HARDWICK. Why does not that same objection apply to each one of the twenty-one new sections brought in here by this committee in this bill?

Mr. OLMSTED. I have not seen the twenty-one new sections, and I have not yet stated my objection. Now, my distinguished colleague from Pennsylvania [Mr. MOON], chairman of the committee having this revision in charge, has been attacked repeatedly by gentlemen upon the other side for failure to perform his duty in that he has not considered upon their merits all the provisions of the whole penal code and all penal laws of the United States, amended some sections, added new provisions, and repealed old ones. Had he attempted to do the things which it is charged he ought to have done he would have been guilty of exceeding the powers conferred by the rules of the House upon his committee. The gentleman from New York [Mr. COCKRAN] said that he ought to have done those things. He took him to task for not rising upon his feet, when his voice was already worn out with explanations, and explaining a provision simply brought forward in this bill, but which has been the law for over a hundred years. He was taken to task for not explaining why that is here now and why it should not be repealed. The gentleman from New York [Mr. COCKRAN] said that even the Scriptures had had to be revised. That is

ture, but I never heard that those charged with their revision felt authorized to add to the Ten Commandments or subtract from them.

Mr. COCKRAN. I hope the gentleman will not attribute to me the statement that I thought the Scriptures should be revised. I believe those are unchangeable and infallible—the product of Divine revelation. Neither here nor anywhere could I have stated that the Word of God might be revised by any merely human agency.

Mr. OLMSTED. The RECORD will show that the gentleman did state that even the Scriptures had to be revised and had been revised frequently. As I have said, the revisers were never authorized to take from or add to the Ten Commandments or any principle laid down or to the offenses laid down and described for punishment.

Now, it is very evident, as the gentleman from Mississippi [Mr. WILLIAMS] says, that there is no partisanship entering into the discussion of this bill. That was manifest the other day when the gentleman himself, the Democratic leader, rose in his place and charged us upon this side of the House with endeavoring in some way to coerce labor, because, forsooth, there had been repeated and brought forward in this bill a provision which had been on the statute books for more than half a century, providing that if any man attempted to induce away the artificers and skilled laborers in the arsenals of the United States he should be punished. That was held to be a blow in some way to labor. It was enacted by a Democratic Congress originally and has been upon the statute books for more than half a century. Now, the laborers in the employ of the United States are the best paid in the United States. No laborer ever leaves the service of the United States for bigger pay, because he can not get bigger pay anywhere else, and nobody will offer bigger pay than the Government unless it is offered for some ulterior purpose—for the purpose of weakening the Government defenses by drawing away those employed upon or about its arsenals.

Now, let me read from the statutes of the State of Mississippi, adopted in 1906, a provision found in section 1146 of the code adopted in that year:

If any person shall willfully interfere with, entice away, knowingly employ, or induce a laborer or renter who has contracted with another person for a specified time to leave his employ or the leased premises before the expiration of his contract without the consent of his employer or landlord, he shall, upon conviction, be fined not less than \$25 nor more than \$100.

[Laughter.]

There are other equally attractive labor features in this Mississippi code and similar provisions in the laws of Louisiana and Kentucky I call to the attention of gentlemen on that side.

Mr. WILSON of Pennsylvania. Will the gentleman allow me to ask him a question?

Mr. OLMSTED. Certainly.

Mr. WILSON of Pennsylvania. Do you believe that statute to be correct in principle? [Laughter on the Democratic side.]

Mr. OLMSTED. I am not here to defend the laws of the State of Mississippi; we have no such laws in Pennsylvania, as my colleague knows.

Mr. WILSON of Pennsylvania. I am glad of it.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLMSTED. I would like to have five minutes more.

The CHAIRMAN. Is there objection to the request of the gentleman from Pennsylvania? [After a pause.] The Chair hears none.

Mr. WILSON of Pennsylvania. Will the gentleman permit another question?

Mr. OLMSTED. Certainly.

Mr. WILSON of Pennsylvania. If it is wrong in Mississippi, how can it be right in a Federal statute? [Applause on the Democratic side.]

Mr. OLMSTED. But that is not in a Federal statute. I would not vote for such a provision in a Federal statute. The act to which reference has been made only applies to persons who work in the arsenals of the United States, preparing our defenses against the enemy. Nobody will entice them away unless he desires to weaken the United States. It does not apply to the laborer, but only applies to the fellow who tries to get him away from the Government service in its arsenals.

Mr. WILSON of Pennsylvania. If the gentleman will permit another question?

Mr. OLMSTED. Certainly.

Mr. WILSON of Pennsylvania. Does it not also apply to those who employ the laborer?

Mr. OLMSTED. Only if they knowingly and willfully take him away from the Government arsenal. It does not apply in any place except the arsenal. Nobody would make the effort to



take them away from the Government arsenal except for the purpose of weakening the Government, for nobody else could give him as big pay; and the purpose of anybody who induces them to leave the arsenal would be to retard the work of the Government arsenal and impair national defense. In any event the law was enacted by a Democratic Congress and approved by a Democratic President.

My distinguished and genial friend from Kentucky [Mr. OLLIE M. JAMES] was very anxious that there should be a clause inserted in the section to punish corporations for making campaign contributions. The section now provides that any corporation making contributions shall be punished. He held up this side of the House to obfuscation and reproach because we would not agree to his amendment, inserting the words "engaged in interstate commerce." That would have lessened and weakened the operation of the present statute, which provides that "any corporation making contributions" shall be punished. It includes national banks and every kind of corporation whatever, whether engaged in interstate commerce or not.

Mr. OLLIE M. JAMES. Suppose the corporation had been organized in a State and was a State organization, do you claim that that provision would be effective?

Mr. OLMSTED. Certainly it would, and it has been and is effective. Does the gentleman from Kentucky know of any corporation of any kind that has dared to violate the provisions of this statute since its enactment last year?

Mr. OLLIE M. JAMES. Will you let us examine the Republican campaign books? [Laughter on the Democratic side.]

Mr. OLMSTED. Yes; and the Democratic campaign books, too. [Laughter on the Republican side.] The gentleman from Kentucky said that we were not willing to impose imprisonment on a corporation officer who had violated the law. Why, the act provides that the corporation may be fined \$5,000, and as for the officer, he shall be punished by fine or imprisonment, or both. Now I will read you the law of Kentucky on that subject:

1249. Enticing laborer to abandon contract.—If any person shall willfully entice, persuade, or otherwise influence any person or persons who have contracted to labor for a fixed period of time to abandon such contract before such period of service shall have expired without the consent of the employer he shall be fined not exceeding \$50 and be liable to the party injured for such damages as he or they may have sustained.

What I wanted to call to the gentleman's attention, however, was the bribery clause:

Whoever shall bribe another shall, on conviction, be fined from \$50 to \$100, or imprisoned from ten to ninety days.

[Laughter].

Mr. GARRETT. Getting back to this statute—

Mr. OLMSTED. I will get back to that in a minute.

Mr. MANN. No wonder the gentleman wants to get away from the other.

Mr. OLMSTED. The other gentleman from Tennessee, my very good friend who was afraid corporations were not going to be punished enough, because we fined them \$5,000 and fined the officer \$1,000 and then sent him to prison, will be interested, I am sure, to have me read what they do to the corporations down in Tennessee.

Any corporation, or agent of a corporation guilty of any offense herein—

And this relates to elections—

guilty of any offense herein made a misdemeanor, shall, upon conviction, be punished by a fine of not exceeding \$1,000.

No imprisonment at all, and that is for bribery at elections, while we provide both fine and imprisonment simply for contributing money to be used for what would otherwise be a lawful purpose. Where does the argument of the gentleman land?

Mr. COCKRAN. The gentleman surely does not mean to misstate the facts. He does not mean to say "fine and imprisonment."

Mr. OLMSTED. Fine or imprisonment, or both.

Mr. COCKRAN. And on a motion to amend, you voted against us.

Mr. OLMSTED. The Tennessee statute imposes only a fine, and permits no imprisonment.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. OLMSTED. I should like to have five minutes more in which to talk about the amendment.

Mr. COCKRAN. I hope the gentleman may have five minutes more.

By unanimous consent the time of Mr. OLMSTED was extended five minutes.

Mr. OLMSTED. Now, coming down to this amendment. As has been frequently said here, new legislation of this character

ought to go to a committee where it may be thoroughly discussed. We may then be supplied with the printed copy of the report of the majority of the committee; and if there are different views, then also with the views of the minority, so that we may read the bill and read the views of the committee upon it and the reasons why it should or should not pass.

Mr. GARRETT. You are expressing your individual views.

Mr. OLMSTED. I am trying to.

Mr. GARRETT. Does it take a hearing before a committee and expert testimony to convince the gentleman from Pennsylvania that it is wrong to sell political influence?

Mr. OLMSTED. No, not at all; but it would take considerable hearing to make me believe that we have not already provided for that in this bill. Then it would take more argument to make me believe that this proposed amendment was the best remedy for that evil. And I will show you why. The gentleman from Mississippi [Mr. WILLIAMS] offered the amendment yesterday. He first read it from his desk. Finally the Clerk reported it. We could hardly hear what it was. Now I find that it was read twice, and it is printed in two ways. He first read it, and then upon the request of somebody it was reported again. In the printed Record it does not read the same in the two places. In one place it says "he shall be fined and imprisoned and disqualified from office." In the last reading it says, "or, moreover, disqualified from office." We do not know which is which.

Mr. WILLIAMS. I do not know that the gentleman understands the reason for that diversion. After offering it at first unanimous consent was given to amend it so as to make that change, so that the first form of it was amended by the unanimous consent of the committee.

Mr. OLMSTED. Then, may I ask the gentleman whether, as it now stands, it reads "and disqualified from office" or does it say "or disqualified from office?"

Mr. WILLIAMS. It says "or."

Mr. OLMSTED. Then the effect of that is that the court may fine an offender, may imprison him, or it may leave out both those punishments and simply disqualify him from office. Now, under this amendment as offered by the gentleman from Mississippi, see what the effect would be. A committee of very reputable gentlemen were sent down here a short time ago by a candidate for a post-office to see me, and with me to see the President in his behalf. This candidate paid their expenses. Under this amendment every one of them would be subject to fine, not to exceed \$10,000, to imprisonment, and to disqualification from office for life.

Mr. WILLIAMS. Now, Mr. Chairman, if the gentleman from New York will excuse me, does the gentleman from Pennsylvania really think that this statute would cover that case unless this man had received or demanded it as consideration for giving his indorsement? Will the gentleman from Pennsylvania direct his attention to the word "consideration?"

Mr. OLMSTED. It says "any person who shall, directly or indirectly, give, pay, or receive any money or other valuable consideration for procuring or aiding to procure" any office, etc.

Mr. WILLIAMS. "Consideration" for aiding and procuring.

Mr. OLMSTED. These men came here to procure, and I may say that they did procure. They got the money for their expenses. If this proposed amendment were law, they would each one of them be a criminal.

Mr. WILLIAMS. But they did not aid or secure the appointment of the man because he paid it.

Mr. OLMSTED. But your amendment does not say "because."

Mr. WILLIAMS. It says "receive any money or other valuable consideration."

Mr. OLMSTED. Now, along comes the gentleman from Georgia [Mr. HARDWICK], and says that the amendment of the gentleman from Mississippi does not cover the case, does not do the right thing. He offers a substitute which we tried to hear read, but I believe there are not three men in the House who know what there is in it. All this shows the wisdom pursued by the committee and its distinguished chairman in rejecting new enactments of law. They all ought to go before the proper committee and be thoroughly considered, and not considered in Committee of the Whole House, where, after hearing or trying to hear the amendment once read we are called upon to pass upon dangerous provisions making new statutory crimes and misdemeanors—provisions which make innocent men guilty of crime for offenses that are not really offenses and subjecting them to these terrible punishments. [Applause.]

Mr. COCKRAN. Mr. Chairman, with much that the gentleman from Pennsylvania has said I am in hearty sympathy. I desire at this point to congratulate the committee having this measure in charge on the very fair spirit which characterized

their management of it in the closing hours of yesterday's session. We began the consideration of this bill under what I considered most favorable conditions. The gentleman from New York, my colleague, the leader of the House, who undertook night before last to charge this side with willful obstruction of this measure, must surely have forgotten that when the rule providing for its consideration was first submitted this side almost unanimously opposed everything like obstructive tactics and manifested every disposition to facilitate its progress in an entirely nonpartisan spirit.

Now, I do not rise to apportion or fix blame for the fact that during the last week we have been dividing upon party lines; I am so thoroughly satisfied with the prospect held out by last night's proceedings that for the future we are likely to consider this measure as Members of Congress, as representatives of the people interested above all in establishing a body of law based on the soundest notions of policy, that I do not care to inquire now who may be responsible for the alignment of this body according to party divisions on so essentially nonpartisan a measure, and which I hope will prove to be a thing of the past.

And, Mr. Chairman, I want to say in all frankness that what the gentleman from Massachusetts [Mr. GARDNER] and the gentleman from Pennsylvania [Mr. OLMSTED] have both said on the subject of extending at this time and in this manner the scope of the penal laws has a great deal of weight.

It illustrates most clearly one of the difficulties which confronts this body in the discharge of this most important task. At the same time it serves to make manifest the distinction between the proper field of revision and that of enactment. I undertook to point out day before yesterday—I fear I succeeded but feebly—just what was properly involved in revision; and I think if we bear that definition in mind we will find little difficulty in distinguishing between the proposals which should be relegated to the domain of enactment and those which may fairly be considered as falling within the scope of revision. We all know that in every representative government kindred questions legislated upon at different times, with legislators under the influence of widely different emotions, are apt to result in wholly disproportionate and almost inconsistent enactments.

Especially is this true in the case of penalties intended to discourage the commission of crimes. For this reason every civilized community that existed for any length of time has found itself compelled to deal with these resultant inaccuracies and incongruities, to correct and reconcile them by revision. The function of revision, then, is essentially to eliminate inconsistencies between enactments on kindred subjects when possible, and when that is impracticable to harmonize them. Now, it did seem to me that many times when inconsistencies and incongruities between penalties were pointed out to the committee in charge of this bill, and attempts made to harmonize them, the answer was an invitation to vote, without explanation, or else upon grounds so vague, inconclusive, and often contradictory that it seemed as if attempts to remove inconsistencies were opposed because inconsistencies existed. Sometimes we found a section defended because it was old, and at another time because it was new. The very inconsistencies which it should have been the object of revision to eliminate were sedulously preserved. Mr. Chairman, it may be that this attitude of the committee was caused to some extent by the tone of criticism on the floor. It may have been that the committee resented criticism which I believe was intended to be friendly, but which its members thought was hypercritical. However that may be, the feeling it engendered belongs, I hope, to the past. I am so pleased with the prospect of nonpartisan consideration of this measure hereafter that I do not want to recall the atmosphere of the past, which I think we all deplore. Henceforth I firmly believe suggestions made in good faith to improve the measure will be considered fairly in a spirit of cooperation rather than of distrust or hostility. There is another direction in which revision may properly be applied. And here let me remind the gentleman from Pennsylvania [Mr. OLMSTED] that what I declared yesterday in the remarks to which he referred was not that all laws needed revision, but that with the best intention in the world human enactments can not be framed in language so precisely accurate that interpretation of them will not become subjects of dispute at some time or other.

In other words, it is impossible to eliminate ambiguity wholly from any form of human expression. Sooner or later conditions will arise which must render doubtful the application of any enactment to them. It is, above all, the business of a legislative body to anticipate so far as possible these doubts about construction. It is not given to man to obviate them altogether, but the closer we come to excluding doubt as to the significance of a statute by employing the most precise terms the better we

will have discharged our task. When, therefore, a dispute arose here while a section was still before us as to its scope and effect, it seemed to me it was preeminently a case for removing as far as we could all ambiguity by adding a few words to the text. This, too, was within the proper field of revision which should aim not merely at reconciling discrepancies and harmonizing incongruities, but also at removing ambiguities. And, let me add, I did not say that the Holy Scriptures were or could be proper subjects of revision by any merely human agency. I did say the interpretation of Holy Writ had often been subject of dispute. I said that without at all intending to admit that its terms were ever open to dispute, so far as I am concerned, because I belong to a spiritual body which claims the right to interpret the Scripture, a right which all its members gladly acknowledge.

Now, Mr. Chairman, when we come to consider these specific amendments which are under consideration, I concede that we have approached the domain of enactment.

The CHAIRMAN. The time of the gentleman has expired.

Mr. COCKRAN. I ask unanimous consent to proceed for five minutes more.

The CHAIRMAN. Is there objection?

There was no objection.

Mr. COCKRAN. We are now considering a new subject, and a vast one. The enactments that have been passed on this particular branch are numerous, though recent. Many of them have been hastily devised to meet conditions but recently exposed. It is very difficult to deal effectively with all the complex branches of this great subject during a revision of existing laws. On the other hand, we can not afford, because of this difficulty, to turn our backs altogether upon a task so pressing. If there be no other opportunity of dealing with it we must deal with it now. If, then, the gentleman from Pennsylvania [Mr. OLMSTED], representing the Committee on the Judiciary, will assure this House that the body of which he is a distinguished member will take up this entire subject, this whole question of campaign contributions, of attempts to debauch the franchise, attempts to corrupt the official life of the United States, the proper adjustment of penalties to each offense, whether fine or imprisonment, should be denounced against some offenses, fine and imprisonment against others, disqualifications from office to punish the most heinous, I am sure every Member on this side will be entirely satisfied to relegate the entire subject to that committee for action. If, however, we are left no alternative but to deal with the matter now, or else dismiss it altogether, I must insist that the duty of this body is to deal with it at once. I submit, therefore, as a basis of general agreement, a suggestion that the Judiciary Committee agree to take this question up, give full hearings upon it, and report a comprehensive measure to the House. If this be accepted, I am sure the spirit of nonpartisanship we all desire will animate this entire body, and disposal of the remainder of this measure will be greatly facilitated. [Applause on Democratic side.]

Mr. HALL. Mr. Chairman, I understand that the purpose of the gentleman from Mississippi [Mr. WILLIAMS] in proposing this amendment was to reach what we all commonly term bribery, and which involves the idea of moral turpitude; and that that was the sole purpose of his proposed amendment; that in so far as the proposed amendment of any measure would reach that purpose, and that purpose only, I am sure it might receive and probably would receive the support of a majority of the Members of this House. But I think that this amendment, proposed as it has been here for consideration of a Committee of the Whole, illustrates the inadvisability of proposing original legislation in this manner without having had the opportunity of consideration in committee to see what the full effect of the proposed measure might be. It is true that to a great extent the amendment contains the language proposed by the committee when applied to Members of Congress, Delegates, and Resident Commissioners, but by striking out those qualifications and substituting in lieu thereof the word "whoever" it seems to me that while it might reach those who have been guilty of moral turpitude in the acceptance of bribes, by its language it also includes acts which are entirely innocent in their nature, and it seems that a statute of this character ought to be so carefully framed that it does not punish the innocent with the guilty, because we all know that it is better that a hundred guilty men should escape punishment than that one innocent man should suffer.

Now, Mr. Chairman—and I will ask the gentleman from Mississippi if it is not the case—is it not a fact that there are schools, preparatory schools, designed to enable young men to secure appointments at Annapolis and West Point, and are not the instructors of these schools penalized under the broad, sweeping, and comprehensive language of this statute for aiding



and assisting these young gentlemen in securing such appointments to Government places?

Mr. WILLIAMS. The gentleman seriously asks me that question?

Mr. HALL. I do.

Mr. WILLIAMS. Well, I seriously answer, then, that it will take the very utmost stretch of imagination to conceive that they could be affected by this language.

Mr. HALL. If the gentleman will read the language of the amendment, he will see that it will not require a stretch of this language, and it will be included in the very letter of this proposed amendment.

Mr. WILLIAMS. Well, I have answered it. There is nothing, in other words, in this proposed amendment that does not punish the man simply for this—for giving influence or inducement to procure or attempt to procure an office in consideration of the receipt of something of value.

Mr. HALL. Yes, sir. And these preparatory schools charge a consideration for that very purpose. [Applause on the Republican side.]

Mr. WILLIAMS. The gentleman might just as well say that the man who taught me political economy years ago out of a certain book was responsible for the fact of my being a Democrat to-day.

Mr. HALL. Well, he would have a good deal to be responsible for. [Laughter.] Mr. Chairman, I reiterate the statement I made a few days ago upon this floor. It seems to me that the idea is fraught with great danger if we undertake in this manner, hastily, upon the spur of the moment, without an opportunity of considering the possible results that may flow from this hastily enacted legislation, to go further in this proposition than a mere codification and revision of existing law, and that when new and untried measures of this character are being brought before this body for consideration, we ought at least to have the assurance of the proper committee that the measure has been canvassed and examined before it is brought before this House, to see that it meets the exact requirements for which it is designed, and that it shall not be so broad, sweeping, and comprehensive in its terms that it shall penalize persons who are guilty of no moral wrong or turpitude whatever. [Applause on the Republican side.]

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. Mr. Chairman, I would not now take up the time of the committee but for the fact that the gentleman from Pennsylvania [Mr. OLMSTED] has alluded to the State of Tennessee and has unwittingly failed to state the law covering corporations contributing funds in elections. The portion of the law that the gentleman read refers to individual acts, acts of persons corrupting the suffrage, as I hurriedly read the statute he read, in part. The question that we have had up for several days covers "corporations" furnishing boodle to corrupt the suffrage of the country. Mr. Chairman, the Tennessee law touching upon contributions made by "corporations" in elections the gentleman overlooked. It reads thus:

SECTION 1. Unlawful use of corporate funds in elections. It shall be unlawful for the executive officers or other representatives of any corporation doing business within this State to use any of the funds, moneys, or credits of the corporation for the purpose of aiding either in the election or defeat of any candidate for office, national, State, county, or municipal, or for the purpose of aiding in the success or defeat of any proposition submitted to a vote of the people, or in any way contributing to the campaign fund of any political body, for any purpose whatever.

SEC. 2. Violation is a misdemeanor; fine and imprisonment. Every executive officer, agent, or other representative of any corporation—

Now, we have been talking about "corporations," talking about national banks, and trying to strengthen the law of the land covering them, since so much rottenness has occurred, and so recently, in New York City.

SEC. 2. Every executive officer, agent, or other representative of any corporation doing business within this State who shall knowingly consent to, approve, or aid in the use of the funds of a corporation for any of the purposes mentioned in section 1 of this act shall be deemed guilty of a misdemeanor, and upon conviction be fined not less than \$500 nor more than \$2,000 and shall be imprisoned in the county jail or workhouse not less than two nor more than six months.

Both "fine and imprisonment," Mr. Chairman, is provided for in this law, as to corporations of any kind contributing funds to elections. Not only that, Mr. Chairman, but section 3 provides:

SEC. 3. The grand juries of this State are given inquisitorial powers over all violations of this act, and the circuit and criminal court judges of this State are required to give this matter specially in charge to the grand jury at each term of their said courts.

So the Tennessee law as to corporations imposes fine and imprisonment, Mr. Chairman. Not fine only, or imprisonment only, but both, and criminal judges and circuit judges in the State are required to see the law faithfully executed.

Now, Mr. Chairman, the people of this country are not complaining about the national banks of Tennessee corrupting the suffrage. The law of that State is sufficient, and was brought about because railroads undertook to corrupt the suffrage in 1896, and coerce voters to vote against Mr. Bryan for President and Mr. GAINES for Congress, and other Democratic candidates in the State of Tennessee.

Mr. Chairman, the law in Tennessee is sufficient and the corporations obey it, so far as I know, but the law in New York State is insufficient. That is shown, Mr. Chairman, by the passage of the Federal act of 1907, and since then the pregnant fact remains that many of them not only corrupt the public suffrage, but are themselves corruptionists and men who have reached their long, hungry hands into the banks and robbed them, and in robbing them closed up the innocent and unoffending banks throughout this great Republic, and punished and outraged a defenseless people who were depositors in those innocent banks. [Applause on Democratic side.]

Mr. HARDY. Mr. Chairman, I wish to say that what I shall offer is offered certainly in no partisan spirit whatever, and I listened to the criticism of the gentleman from Massachusetts [Mr. GARDNER] and also the gentleman from Pennsylvania [Mr. OLMSTED], which is the only criticism against the amendment offered by the gentleman from Georgia [Mr. HARDWICK]. That criticism was to the effect that as the law would read under that amendment an attorney legitimately employed to represent the interests or claims of an applicant for office might be found guilty of a violation of that law, or a friend who came to Washington, if he accepted the payment of his actual expenses, might also be found guilty. Now, the objection is so far persuasive with me that my purpose is to offer an amendment to the amendment; that is, a proviso which will take away all uncertainty and knock out the last prop of objection to this amendment. This proposition of the gentleman from Georgia [Mr. HARDWICK] has come before the House at a time when the mind of the House is upon the question involved, when the identical question of stopping the sale of public offices or of procuring public offices by payment of a fee to a referee is in the mind of every Member of this House, and there never will come a time when the membership of this House will understand that subject any better than it does this morning. Now, with this proviso added to that language I submit that there should be no question. I believe the gentleman from Mississippi [Mr. WILLIAMS] is right, perhaps, that the section as it is offered would not apply to an attorney or to one paying the expenses of another, but to prevent any possible misapprehension, and so that there can apparently to me be no reason for objecting to the amendment, I offer this proviso.

The CHAIRMAN. The gentleman from Texas [Mr. HARDY] offers an amendment, which the Clerk will report.

I will ask the gentleman from Texas if this is an amendment to the substitute offered by the gentleman from Georgia [Mr. HARDWICK].

Mr. HARDY. Yes, sir.

The CHAIRMAN. The Clerk will report the amendment to the substitute.

The Clerk read as follows:

Provided, That this section shall not apply to the employment of legal counsel to present legitimate claims to Departments or to defend applicants against adverse charges when such employment is by contract in writing on file with the Department before which the application is pending, or by payment to an applicant of legitimate expenses incurred by anyone in legally aiding in securing any office, provided that an itemized account of such expenses shall be filed with the Department before which the application is pending.

Mr. HARDY. Now, I want to state to any Member on this side or the other who may feel inclined to oppose this amendment because it might involve in the meshes of crime any innocent person, that the proviso offered by myself will render it absolutely impossible for any legitimate expenditure to be subject to a prosecution. At the same time, the history of this country has reached the point when it is necessary for us to be more than particular in order to guard the purity of our official life. In the days of the simple Roman Republic no such measures were ever necessary, but in the later days of the Empire, when official life degenerated, the public revenues were farmed out. We have to-day that situation existing, which is not denied, that the public offices of the United States are farmed out and put into the hands of corrupt bargainers to distribute them for so much per office, and it is this situation the amendment of the gentleman from Georgia, as amended by myself, is intended to cure.

The CHAIRMAN. The time of the gentleman has expired.

Mr. OLLIE M. JAMES. Mr. Chairman, the gentleman from Pennsylvania [Mr. OLMSTED], in a speech made here just a few minutes ago, undertook to quote the law in Kentucky relative to bribery.

Ordinarily the gentleman from Pennsylvania is very accurate, but not so in this instance. In undertaking to create some merriment upon the floor he undertook to tell the House of the provisions of the Kentucky statutes relative to bribery. He, through an oversight, no doubt, or by reason of the fact that he did not have the law in front of him, neglected to inform the House of the most material part of the statute, namely, the disfranchisement from right to hold office or thereafter to exercise the right of franchise.

The gentleman on yesterday argued from his place upon this floor in opposition to an amendment offered by the gentleman from Mississippi [Mr. WILLIAMS] that disqualification from holding office and the denial of the right to vote was such an unusual and extraordinary penalty, so oppressive in its nature, that it ought not to be invoked against the offender who had sold his influence, in securing appointments to office, for money; that it was only in the most malignant cases should this disqualification follow conviction. In his reference to the Kentucky law against bribery he read as follows:

Whoever shall bribe another shall, on conviction, be fined from \$50 to \$100 or imprisonment from ten to ninety days, or both, or fine and imprisonment.

That was as far as my friend, the gentleman from Pennsylvania [Mr. OLMSTED], went. He neglected to read the further provision of that section, which provides as follows: and be excluded from office and suffrage.

The Kentucky law does not give to the court nor to the jury any discretion in this matter, but places upon any man who is a bribe taker or a bribe giver absolute exclusion—from the right of suffrage or the right thereafter to hold office.

Now, if the penalty of denying the right of suffrage and the right to hold office to offenders was such an unusual and extraordinary punishment that the gentleman wanted to strike it out of the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS], certainly it was worthy of mention as a part of the Kentucky statutes when the gentleman was undertaking to create laughter at the smallness of the Kentucky penalty.

The penalty in Kentucky is not as much as I would have it. It may have been enacted by the Republican legislature, yet I know the Democrats had something to do with it, because they put in the connective conjunction "and" providing absolute disqualification from suffrage and the right to hold office. [Laughter.] This provision makes every offender a marked man and denies to him, after conviction of bribery, the great privilege that Kentuckians, in common with other Americans, so much cherish—the right to vote and hold office.

I merely make this correction, Mr. Chairman, in order that my State may be set right before the Members of this House. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. NORRIS] to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

Mr. WILLIAMS. I ask that the amendment offered by the gentleman from Nebraska may be reported.

The amendment of Mr. NORRIS to the amendment of Mr. WILLIAMS was again reported.

The question was taken, and the amendment to the amendment was rejected.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas to the substitute offered by the gentleman from Georgia.

Mr. WILLIAMS. A parliamentary inquiry, Mr. Chairman.

The CHAIRMAN. The gentleman will state it.

Mr. WILLIAMS. Was the amendment offered by the gentleman from Texas offered as an amendment to the substitute of the gentleman from Georgia?

The CHAIRMAN. The gentleman from Georgia offered a substitute for the amendment offered by the gentleman from Mississippi, as the Chair understands it, as a new section, to be known as section 114a.

Mr. WILLIAMS. The gentleman from Georgia offered a resolution as a new section 114a.

Mr. HARDWICK. I withdrew that motion without objection.

Mr. WILLIAMS. Mr. Chairman, I am informed by the gentleman from Georgia that his resolution was withdrawn by unanimous consent. That changes the status.

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Texas to the substitute offered by the gentleman from Georgia.

Mr. COCKRAN. Can we have both reported?

The CHAIRMAN. If there be no objection, the substitute and amendment to it will be reported.

The substitute and amendment were again reported.

The CHAIRMAN. The question is upon the proviso offered by the gentleman from Texas.

The question was taken, and the proviso was rejected.

The CHAIRMAN. The question now before the committee is on the substitute offered by the gentleman from Georgia [Mr. HARDWICK] to the amendment offered by the gentleman from Mississippi [Mr. WILLIAMS].

The question being taken, on a division (demanded by Mr. HARDWICK) there were—ayes 45, noes 61.

Mr. HARDWICK. Tellers!

Tellers were ordered, and the Chairman appointed Mr. Moon of Pennsylvania and Mr. HARDWICK.

The committee again divided and the tellers reported—ayes 61, noes 92.

Accordingly the substitute was rejected.

The CHAIRMAN. The question now is upon the amendment offered by the gentleman from Mississippi, to insert a new section, to be known as section 114a.

Mr. MOON of Pennsylvania. This vote is now on the main question.

The CHAIRMAN. On the separate section offered by the gentleman from Mississippi.

Mr. MOON of Pennsylvania. Is it a new section?

The CHAIRMAN. It is.

The question was taken, and on a division (demanded by Mr. WILLIAMS) there were—ayes 50, noes 77.

Mr. WILLIAMS. Tellers!

Tellers were ordered, and the Chairman appointed Mr. WILLIAMS and Mr. Moon of Pennsylvania.

Mr. WILLIAMS. I ask that the gentleman from Ohio [Mr. ANSBERRY] may act in my place.

The CHAIRMAN. The gentleman from Ohio [Mr. ANSBERRY] will act in the place of the gentleman from Mississippi.

The committee again divided, and the tellers reported—ayes 62, noes 87.

Accordingly the amendment was rejected.

Mr. GAINES of West Virginia. Mr. Chairman, I desire to offer an amendment to section 114.

The Clerk read as follows:

Page 57, line 4, after the word "whatever," insert the words "To any Member or Delegate in Congress or Resident Commissioner, or to any officer or agent of the United States."

Mr. GAINES of West Virginia. I think it will appear at once to the members of the committee that that amendment makes clearer the application of the law. As it now reads it says:

Whoever directly or indirectly shall offer or agree to give, or shall give or bestow any money, property, or other valuable consideration whatever, for the procuring or aiding to procure any such contract, office, or place,

And so forth. The word "contract" in there, as limited by the word "whoever," it seems to me would make it unlawful for any person interested in a contract with the Government of the United States to employ a lawyer. It seems to me it is proper and necessary, in order to preserve the uniformity of the section, to put in words of limitation, showing that the last clause of the section as well as the first is intended to be limited to Members of Congress, Delegates and Resident Commissioners.

The CHAIRMAN. The question is on the amendment offered by the gentleman from West Virginia.

The question was taken, and on a division (demanded by Mr. GAINES of West Virginia) there were—ayes 15, noes 33.

Accordingly the amendment was rejected.

Mr. BURKE. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Insert the word "appointive" before the word "office," in line 24, and before the word "office" wherever it occurs thereafter in section 114.

Mr. BURKE. Mr. Chairman, it seems to me that the provision as reported by the committee would positively preclude not only every Member of this House, but every citizen of the United States from contributing his time or spending sufficient money to buy even a postage stamp to assist in any manner in the legitimate selection of any man to any office under the United States Government. If that be true, it certainly would be absurd for the House of Representatives to pass any such legislation, and thus debar the American people of a right which should never be denied them.

The section as it now stands provides that "*whoever directly or indirectly*"—and this includes not only Members of Congress, but all the people of the United States—

Whoever, directly or indirectly, shall offer or agree to give or bestow any money, property, or other valuable consideration whatever for the aiding to procure any office from the United States or from any officer or department thereof—



is liable to the fine and imprisonment provided at the conclusion of the section.

Now, let us assume that I, Mr. Chairman, as a friend of yours, in your Congressional district, legitimately interested in your welfare, proceed to hire a clerk for the purpose of writing letters and disseminating legitimate information with reference to your official services as a Member of this House, and pay the clerk for that service just what his labor would entitle him to. The specific purpose and the legitimate purpose of his labor is to aid the proper man to receive an office or place from the United States.

The same rule would apply as to all other offices of the Government of the United States, even the Presidency of the United States itself, and every American editor of every American daily who contributed an editorial, and every citizen who purchased and distributed newspapers containing facts relating to the careers of candidates would be subject to fine and imprisonment under this law. It may be suggested that this does not refer, for instance, to any other than appointive officers. If it refers only to appointive officers then there can not be the slightest objection to inserting the word "appointive" before the word "offices" where it occurs in the section. If it refers to other officers it deprives every citizen of the United States from exercising a legitimate influence for the purpose of bringing about an election of fit men to public office.

It may be argued that this refers only to officers receiving their appointment from heads of Departments, but in lines 24 and 25 is this language—"any office or any place from the United States or from any officer of a Department thereof."

Now, Mr. Chairman, it could not be more inclusive, it could not be more comprehensive; it refers to and includes both classes of offices and officers. It refers to the man who receives his office from the Department of the United States; it refers to the man who receives his appointment from an officer of the United States Government, and it refers to the man who receives his office or place from the United States direct, which means the people at large, who constitute the Government.

Now, what are the United States? If it be said in the case of the President of the United States that he does not receive his office from the Government—that the President of the United States receives his office from the people—where does he get his power and his official character? Can you distinguish between the people of the United States and the Government of the United States? Can the President be said to be an officer of the people and not of the Government? The people of the United States have no authority to confer upon the Chief Executive of this nation any right to do anything unless they confer that authority or direct that duty through the medium of the Government which they have created for that very purpose. He receives his office through the instrumentalities provided in the Constitution and laws of the United States Government and as such, he becomes an officer of the United States, constituted as Lincoln said "Of the people and by the people," and being an officer of the United States, he would be included in this section in which everyone, private citizen and public official alike, is made guilty of a crime if he even contributes his time to aiding in the selection of fit men to public office.

I say again, Mr. Chairman, without taking further time of this committee, that this legislation unless amended gives every demagogue in the United States an opportunity to proceed to make an information against every other citizen who attempts in a legitimate and proper manner to advance the interests of any candidate for public office. I hope therefore that my amendment will prevail.

Mr. MOON of Pennsylvania. Mr. Chairman, the amendment proposed is clearly within the scope that the committee has set down as one that ought to be acted upon by this body. It is purely in the line of making clearer what may be an obscurity of the present law. Therefore the committee takes no position in regard to it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Pennsylvania.

The question was taken, and on a division (demanded by Mr. MACON) there were—ayes 63, noes 5.

So the amendment was agreed to.

Mr. FLOYD. Mr. Chairman, I offer the following amendment.

The Clerk read as follows:

Amend by inserting on page 57 in line 6, after the word "place," a semicolon followed by these words, "or whoever being a member of, or assuming to act as a member of, any county, district, State, or national committee or referee of any political party, shall directly or indirectly receive or agree to receive any money, property, or any other thing of value for procuring or aiding to procure for any person, in consideration of his indorsement therefor, any appointive office, place, or position from the United States or from any officer or Department thereof."

Mr. COCKRAN. Mr. Chairman, would it be in order to ask to have the whole section read as it would read with this amendment incorporated?

The CHAIRMAN (Mr. OLMSTED). Without objection, the Clerk can report the amendment.

Mr. COCKRAN. It is difficult to understand it without having it incorporated into the section.

Mr. MOON of Pennsylvania. Mr. Chairman, I make the point of order on the amendment that it embodies exactly the provision voted on by the House a few minutes ago in the amendment offered by the gentleman from Mississippi.

Mr. FLOYD. I desire to be heard upon the point of order, Mr. Chairman.

The CHAIRMAN. Does the gentleman from Pennsylvania claim that the amendment now offered by the gentleman from Arkansas is in the same language as the amendment already voted upon?

Mr. MOON of Pennsylvania. The Chair will understand that I can not follow the language. I have raised that question in order that that might be determined. To my ear as it was read it embodied exactly the same provision, but I may be mistaken.

The CHAIRMAN. The Chair can not attempt to go into the consistency or inconsistencies of amendments, or the substance of them, or attempt to define them, but finding that the language of this amendment is quite different from any that has heretofore been voted upon, the Chair overrules the point of order.

Mr. FLOYD. Mr. Chairman, the purpose of this amendment is to meet an evil suggested by the gentleman from Georgia [Mr. HARDWICK]. I desire to explain the amendment. It simply provides that any person, being a member of any county, district, State, or national committee, or referee of any political party, or assuming to act as such, who shall sell his indorsement to any person for appointment to any office of the United States, shall be guilty under this act, following the language of the statute as it now exists, except my amendment provides that whoever shall receive or agree to receive money or other thing of value for that purpose shall be guilty. Now, it seems to me, in view of what has already been said upon the subject, that this committee ought to adopt some legislation of this character, and that the amendment I offer is entirely free from all of the objections urged by gentlemen in this House to amendments heretofore offered. It is restricted to those who have or claim to have political influence by reason of being committeemen, and makes it a violation of law if in consideration of money or other thing of value they give their indorsement to anyone who is applying for any appointive office of the United States, and provides that they shall be punished as in this section provided. I desire to make no further explanation.

Mr. MANN. Will the gentleman yield for a question?

Mr. FLOYD. Yes.

Mr. MANN. Of course the gentleman understands that that is a very important proposition?

Mr. FLOYD. I think so.

Mr. MANN. Does the gentleman think that the House ought to put in a penal provision upon the suggestion of any one or two Members of the House without a chance to fairly give it consideration? Will not the gentleman, if his amendment be not agreed to, present it in the form of a bill and go before the Committee on the Judiciary and see if he can not get that reported to the House? I will say to the gentleman that I think he would not have any difficulty about that at all.

Mr. FLOYD. In response to the statement made by the gentleman from Illinois [Mr. MANN], I will say that legislation is always a serious question, but some propositions are so simple that it seems to me the Committee of the Whole House is competent to act upon them upon the moment, and it seems to me that this is one of them. I think that every Member of this Congress may be affected by that kind of influence indirectly, without his knowing it. I think that without their knowledge the heads of the Departments may be subjected to criticism by the conduct of persons who claim to have political influence. I think that the President of the United States might be adversely affected in that same way and the heads of administration Departments and Congressmen be brought into disrepute, without fault on their part, by persons who claim to have influence with that Congressman or this Congressman, or with this Department or that Department, or with the President of the United States, who, in consideration of money would sell that political influence to any man, and I have restricted my amendment to that one provision, that whoever, being a member of any political committee, either county, district, State, or national, or referee, or assuming to act as such, in consideration of money or the consideration of property or anything of value should give his indorsement to anyone for an appointive office of the United States, shall come within the purview of this

statute. That is all there is to it, and it does not seem to me that it would be necessary for that to go to the Judiciary Committee or any other committee of the House in order that we might act upon it intelligently. I want to say in further explanation that the latter part of this section 114 reads as follows:

Or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow any money, property, or other valuable consideration whatever, for the procuring or aiding to procure, any such contract, office, or place—

Shall suffer the penalty prescribed in the section.

That is all in existing law. My amendment proposes to insert a semicolon after the word place, and then provides that whoever, being a member of any political committee, county, State, district, or national, or referee of any political party, or assuming to be such, who shall in consideration of his indorsement receive or agree to receive money for his influence shall be brought within the meaning of this section of law and suffer the punishment herein prescribed.

Mr. MANN. Mr. Chairman, I never yet have heard read a half dozen lines which would create a penal offense, especially if it involved the location of a semicolon, for which I would be willing to vote without a chance to read it. I think that a legislative body that upon the mere reading of any proposition would create an offense which might deprive a man of his liberty, without a chance to see the language in cold type, will have lost the proper sense of dignified legislation.

Mr. GAINES of Tennessee. Mr. Chairman, the language that is found in the amendment is very simple and very short and is well founded, it seems to me. Contracts of that kind can not be enforced and the gentleman from Illinois [Mr. MANN] I know will agree to that. They are highly immoral and contrary to public policy.

Mr. MANN. I think that a man who enters into that contract on either side ought to be sent to the penitentiary.

Mr. GAINES of Tennessee. Exactly. The gentleman does not deny now that such contracts are being entered into?

Mr. MANN. I will say this to the gentleman from Tennessee, that if such contracts are being entered into and within the knowledge of so many Members as have expressed that opinion here this morning, and the matter has not before been called to the attention of Congress, then I think the gentlemen themselves have been derelict in the duty that they owe to the country and to the House.

Mr. GAINES of Tennessee. Well, I will say in reply to that, if I myself knew of such a practice I think the gentleman well knows that I would have introduced a bill here and sent it in to the graveyard very quickly, because he well knows—

Mr. MANN. It is very well to say that the bill would go to the graveyard when the gentleman has not introduced the bill; but if the gentleman will introduce a bill of that kind, I think we can soon—

Mr. GAINES of Tennessee. Will the gentleman guarantee that the bill will come out of the Committee on the Judiciary?

Mr. MANN. I will guarantee nothing; but I will guarantee to go with the gentleman before the Committee on the Judiciary and present the case, and I have faith, if the case is presented and considered, it will be reported upon properly.

Mr. GAINES of Tennessee. Well, Mr. Chairman, I have not the slightest doubt but what the gentleman would do what he says he would do, and I have not the slightest doubt, Mr. Chairman, that both of us would fail.

Now, I have been here for eleven years in Congress, and so has the gentleman from Illinois. The Republicans during that time have controlled the House. I have worked in this House for eleven years with a Republican President, Senate, and House, and no committee has ever reported such a bill. Now, why have you not done so? We have had Republican Members from the South—Republican Members from North Carolina, Texas, and Tennessee—during the past eleven years. We have now the Hon. WALTER P. BROWNLOW, and the Hon. NATHAN W. HALE, who succeeded Ex-Chancellor Henry R. Gibson, one of the best chancellors Tennessee ever had, who wrote one of the best books on chancellory practice ever written. None of these Republicans have stood for such a bill to my knowledge; and here are the gentlemen from Arkansas and Georgia and other States who state this corrupt practice exists. Now, no one will for a moment agree that such contracts can be recovered on in any court, either of law or equity; and on that point, if the committee will indulge me, I will read from the Supreme Court of the United States, to which I referred on January 13, where I cited the language of the Supreme Court in the Tristchids case. I hope the committee will carefully listen. Here are

contracts that are condemned by law, as stated in an opinion by Mr. Justice Swayne:

An agreement to pay for supporting for election a candidate for sheriff—

Now that is almost identical in point—

To pay for resigning a public position to make room for another.

That is a kindred proposition—

To pay for not bidding at a sheriff's sale of real property—

Which is not unusual—

To pay for not bidding for articles to be sold by the Government at auction—

We hear of those—

To pay for not bidding to carry the mail on a specified route—

Which is not an uncommon thing—

To pay a person for his aid and influence in procuring an office, and for not being a candidate himself.

The court cites a number of contracts that are void because against good morals and public policy.

There are a lot of other contracts that are condemned, and you can not recover on them.

Now, Mr. Chairman, all the gentleman from Arkansas asks is that this kind of transaction be made criminal. That is the purpose of the gentleman's amendment, as I understand it. Now, if the gentleman from Illinois wants to make it criminal, here are a dozen words which the gentleman offers; here are a hundred members of this Committee of the Whole; here are a majority of the committee that have reported this bill; here is the gentleman from Pennsylvania [Mr. MOON]; here is my colleague from Tennessee [Mr. HOUSTON]; and here are the other members of that committee. Now, we know this is a current practice, and we can now stop this evil or try, at least, I want to tell you, Mr. Chairman, why it is this practice exists. There are what are called referees in the Republican districts down South, and, I think, throughout the country. The Department here will select A, B, and C, three men, say, in my district, the Nashville district, and they have control of the patronage. You have got to get their recommendation before a candidate stands any chance, or much chance, to succeed. Now, they pick out a man for an office, a little post-office, and the little chips and whetstones that fall from Uncle Sam's Republican table, and send the name to the Department, and, as a rule, the Department approves the recommendation. If this evil practice obtains in my district I have never heard of it, not a word. If I had heard of it, Mr. Chairman, I would have done exactly as the gentleman from Arkansas has done. Mr. Chairman, we have the facts, the practice is carried on in other States or districts.

Now, gentlemen, it seems to me that a hundred Members have just as much sense on this very short amendment as the Judiciary Committee can ever have, and we should right now make it criminal to carry on this practice, and that is why I am going to vote for the amendment.

Mr. DRISCOLL. Mr. Chairman, when this proposed amendment was read it sounded to me in substance very much like the amendment offered by the gentleman from Georgia [Mr. HARDWICK] and improved by the gentleman from Mississippi [Mr. WILLIAMS], and voted down; but on account of the ruling of the Chairman overruling the point of order, I think it ought to be reported again in order that we may see if it differs in substance from the amendment that was voted down.

The CHAIRMAN. The amendment will be again reported.

The amendment was again read.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Arkansas [Mr. FLOYD].

The question was taken, and the Chair announced that the yeas seemed to have it.

Mr. GAINES of Tennessee and Mr. FLOYD demanded tellers. The committee divided, and there were—ayes 40, noes 48.

Mr. FLOYD. Mr. Chairman, I call for tellers.

Tellers were ordered, and the Chair appointed Mr. FLOYD and Mr. MOON of Pennsylvania to act as tellers.

The committee again divided, and the tellers reported—ayes 49, noes 76.

So the amendment was rejected.

Mr. HUGHES of New Jersey. Mr. Chairman, I desire to offer an amendment to section 115.

The CHAIRMAN. That paragraph has not yet been read.

Mr. HUGHES of New Jersey. The Clerk started to read that section before the gentleman from Arkansas [Mr. FLOYD] offered his amendment. I ask that it be held by the Clerk until he starts to read the section.

Mr. BURKE. If the gentleman from New Jersey [Mr. HUGHES] will yield to me just a moment, I would like to ask



unanimous consent to correct a clerical error in reference to the amendment just adopted, and ask that the words "except in line 8, page 57," be added to the amendment. As it stands now, the word "appointive" appears before the word "office" in the qualifying clause.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. BURKE] asks unanimous consent that the amendment which he offered a short time ago, and which was agreed to by the committee inserting the word "appointive" may be so amended as to accept this insertion before the word "office" in line 8, page 57, so as to read, "be disqualified from holding any office of honor," whereas it now reads, "any appointive office of honor." Is there objection?

There was no objection.

The CHAIRMAN. The Clerk will read.

Mr. HUGHES of New Jersey. Mr. Chairman—

The CHAIRMAN. For what purpose does the gentleman rise?

Mr. HUGHES of New Jersey. I desire to offer an amendment.

The CHAIRMAN. The amendment can not be reported until the paragraph is read.

Mr. GAINES of Tennessee. Mr. Chairman, I desire to offer an amendment to section 114. I have been waiting for some time to do so.

The CHAIRMAN. The gentleman from New Jersey [Mr. HUGHES] will be recognized when paragraph 115 has been read. The gentleman from Tennessee [Mr. GAINES] is now recognized, and offers an amendment which the Clerk will report.

The Clerk read as follows:

SEC. 1. That it shall be unlawful for any person not a Member, Delegate, or Commissioner of the Congress, for and in consideration of any fee or reward, or the hope or a promise thereof, to address to the Congress, or any committee thereof, or to any Member, Delegate, or Commissioner thereof, any word, speech, letter, or other communication, oral, written, or printed, in opposition to or in favor of any bill, resolution, proposition, or policy pending before the Congress or any of its committees.

SEC. 2. *Be it further enacted*, That any person guilty of any of the acts mentioned in section 1 shall be held guilty of an attempt to unduly influence the Congress in the enactment of laws, and upon conviction thereof shall be fined not less than \$100 and not more than \$10,000 and imprisoned in the penitentiary not less than one year or more than ten years, in the discretion of the court, and shall be disfranchised and not admitted to testify before any Federal court or Department of the United States.

SEC. 3. *Be it further enacted*, That the purpose of this act is to prohibit all persons from all attempts to lobby or unduly influence the judgment and action of the Congress in matters concerning the general welfare, proposed measures, and those pending before the Congress or any of its committees by parties acting for pay, or the hope or promise thereof, and not from patriotism; and this law shall be construed as remedial, so as to suppress the mischief and protect the public morals; but shall not be construed to conflict with but to better preserve and protect the right of petition, or include any word, printing, or written address by a person who acts without fee or reward, or the promise or hope thereof, unless such person is in the employment and pay of the person or corporation in whose interest such word, address, printing, or writing is uttered or published; but this law shall not then apply if before his services begin with the person elected to Congress he shall file with each of such persons a written or printed statement, verified by affidavit, stating his name, address, and regular business or businesses, the name of his client or claimant or employer, and his or their address and business or businesses, the amount of his compensation paid and to be paid, with a copy of the contract or contracts under which his or their entire services are to be rendered, and particularly whether his or their services are to be compensated for upon a fixed or contingent compensation, with the name and address of the person or persons, corporation or corporations, who have paid or agreed to pay such compensation; and

SEC. 4. *Provided further*, That the said person, client, claimant, or employer, or his attorney or agent, shall send to each chairman of the respective committees of Congress a duplicate copy of such affidavit.

SEC. 5. *Be it further enacted*, That the chairman of each committee of Congress shall, at all reasonable hours, keep open, in his committee room, for inspection of the public, a copy of such affidavit or affidavits.

Mr. GAINES of Tennessee. Mr. Chairman—wait a minute, now, gentlemen. Hold on. This is not a matter to be treated facetiously, by a long shot.

Mr. DALZELL. The gentleman is not in earnest, is he?

Mr. GAINES of Tennessee. I always am in earnest when I attack the ramparts of the Republican party. [Applause on the Democratic side.] Mr. Chairman, this amendment is intended to squarely hit corrupt lobbying, so to speak, or, in other words, "lobbying."

It preserves, Mr. Chairman, the sacred right of petition, which right does not and never did include the right, so called, to "lobby," which business or practice every English and American court have denounced when called on to enforce contracts wherein the lobbyist sought to collect their compensation for lobbying. The business of lobbying is contrary to public policy, and defies and degrades public and private morals, jeopardizes the public service, and should not be allowed.

Bouvier defines the word "lobbyist" in these words:

*Lobbyist*.—One who makes it a business to procure the passage of bills pending before a legislative body.

One "who makes it a business to 'see' members and procure by

persuasion, importunity, or the use of inducements the passing of bills, public as well as private, which involve gain to the promoters." 1 Bryce, Am. Com., 156.

Bear in mind, now, that the courts denounce the contracts of "lobbyist," yet Congress permits the "lobbyist" to continue his business in Washington.

The supreme court of Wisconsin, in a recent case, says:

A person who frequents the lobby of a house of legislation, for the purpose of influencing measures therein pending, is a lobby member. (75 Wis., 250; the Chippeway case.)

To lobby—

says this court—

is for a person not belonging to the legislature to address or solicit members of a legislative body in the lobby, or elsewhere, away from the house, with the view to influence their vote.

The supreme court of California, in denouncing a "lobby" contract, said:

The term "lobbying" has a well-defined meaning in this country, and signifies to address or solicit members of a legislative body in the lobby or elsewhere with the purpose of influencing their vote. (122 California, 431. Citing Webster's Dictionary and Black's Law Dictionary.)

Thus we clearly see that the lobbyist whom I am striking at is the person whose "business" it is to "see" Members and, by "persuasion," "importunity," or the use of "inducements," procures legislation, and the chamber where he legislates is commonly known as the "Third House of Congress."

Some one employs him, of course. His fee is fixed or depends on success. The contingent fee is, as a rule, more dangerous and more condemned by the courts, which have passed on the fixed and unfixed fee and condemned each, because lobbying and lobby contracts are immoral and fatal to a healthy public policy. The State and Federal courts have held, with singular unanimity, that—

A contract for the employment of personal influence or solicitation to procure the passage of a public or private law is void (21 Barb., 361; 16 How., 314; 34 Vt., 274; 15 Oreg., 330); as contrary to sound morals and tending to inefficiency in the public service (93 Wis., 393); if by its terms or by necessary implication it stipulates for or tends to corrupt action or personal solicitations; (69 U. S., 45; 98 Ind., 238; 36 N. Y., 235; 40 id., 543; 127 id., 370; 18 Ohio St., 469; 149 Pa., 375). And if the contract is broad enough to cover services of any kind, either secret or open, honest or dishonest, the law pronounces a ban upon the contract itself (2 McArthur., 268).

*It is not required that it tends to corruption. If its effect is to mislead, it is decisive against the claimant.* It may not corrupt all, but if it corrupt or tend to corrupt some, or if it deceive or tend to deceive some, that is sufficient to stamp its character with the seal of reprobation before a judicial tribunal (5 W. & S., 315; 7 id., 152; 59 Pa., 19; 100 id., 561). Where the agreement is for compensation contingent upon success, it suggests the use of sinister and corrupt means for the accomplishment of the desired end. The law meets the suggestion of evil and strikes down the contract from its inception (69 U. S., 45; 98 Ind., 238; and see 60 Minn., 26).

If the contracts of the lobbyists are contrary to public policy, why does not Congress prohibit the "business" of making them, which could be done by prohibiting the business of the "lobbyist"? The lobbyist "sees" Members, and moves in a mysterious way—part of his time. He may file a petition before Congress, but he is also otherwise and elsewhere in the business of "seeing" Members to "influence" them, and hence his adversaries can not reply to his arguments or the public meet or counteract his influence.

A petition, in brief, is a written instrument signed by the petitioner, or his counsel, or agent, and filed before some officer and by him marked "filed," which is always, in reasonable hours, open for public inspection. When this is done, individuals and the people are given a chance to meet friend or foe in clean-cut effort in presenting their side of the issue, and the committee hears both sides in the open.

Bouvier, citing the Supreme Court of the United States, 21 Wallace, 441, draws a distinction between lobby and legal services, lobby and legal contracts, in the following language:

Services which are intended to reach only the reason of those sought to be influenced rest on the same principles of ethics as professional services and are no more exceptionable. They include drafting the petition which sets forth the claim, attending to the taking of testimony, collecting facts, preparing arguments and submitting them orally or in writing to a committee, and other services of a like character; but such services are separated by a broad line of demarcation from personal solicitation, and though compensation can be recovered for them when they stand alone, yet when they are blended and confused with those which are forbidden, the whole is a unit and indivisible, and that which is bad destroys the good.

Many States have passed antilobby laws. Why should not Congress? The "lobbyist" invades the right of the people away back in the country to be heard by petition and by letter. He invades the rights of the Members, whom he secretly tries to "influence." He thus undermines society, and, later, the very fabric of the Government will fall into decay if this nefarious business is not stopped.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I ask for five minutes more.

Mr. MOON of Pennsylvania. I move that all debate upon this section close in five minutes.

The CHAIRMAN. The gentleman from Pennsylvania moves that debate upon the section close in five minutes.

The question was taken, and the motion was agreed to.

Mr. PAYNE. Will it interrupt the gentleman if I ask him a question now?

Mr. GAINES of Tennessee. Oh, of course I always have pleasure in talking with the gentleman, either at a short or a long distance.

Mr. PAYNE. Is it the gentleman's understanding that if this amendment were adopted it would apply to those good people who came here from Tennessee at the expense of, or hired by, the tobacco growers down there to appear before the committee and advocate some legislation that the gentleman had introduced in the House?

Mr. GAINES of Tennessee. No; it would not apply to those, and should not.

Mr. PAYNE. I think it does. It distinctly does.

Mr. GAINES of Tennessee. I think the gentleman does not understand the amendment.

Mr. PAYNE. I think I do.

Mr. GAINES of Tennessee. If it does not allow those kind of people to come here, we will amend it so it will. What I want is to start the ball rolling. The gentleman knows that I started the antitrust-pass ball rolling; you know we put an antitrust section in the railroad bill, and after a hard struggle you Republicans had to aid us to put it on the statute book.

Mr. PAYNE. The gentleman ought not to send to jail these people who advocate it. [Laughter.]

Mr. GAINES of Tennessee. No. These tobacco growers were men who went into their own pockets for their expenses when they came here and when they testified before the House committee. Most of them in the Fifty-eighth Congress were tobacco growers and one or two dealers, I think. But they did not "lobby," that is my point. They went before the committee and testified, and their evidence was printed by the House, and everybody can read it. Nothing secret about it.

Mr. PAYNE. But the gentleman does not pretend that those lawyers came here for nothing?

Mr. GAINES of Tennessee. There was but one lawyer, and he was also a tobacco grower, a member of the Tobacco Association, and was counsel for it and came here before the Senate committee as a grower and member and also as a delegate to represent the association, and did so with other growers, members, and delegates. He would have come if he had not been attorney. But none of them "lobbied," and I presume the association paid their expenses in the Fifty-ninth Congress. They came here for something—to explain our tobacco bill, and had the right to do so, and will have under my amendment. But they got nothing they wanted for coming, and mighty little of that [laughter], because of the tobacco trust and its hired lobbyists.

I will tell the gentlemen why they got nothing: Because a noted Republican Senator twice killed the bill at the behest of the tobacco trust. He owned a few years back, since 1898, \$1,000,000 stock in this tobacco trust, while two others had the same kind of stock, all of which is stated by a writer in a recent copy of Everybody's Magazine. Our bill has been before Congress since 1902 and has twice unanimously passed the House and has been twice killed in the Senate committee. But let me get back to my amendment.

The gentleman can not find a single theory in this amendment that cuts off honorable, upright tobacco growers or other good citizens from being heard in person, by lawyers or agents, or by writing, but this amendment strikes down the "lobbyists" who should be halted here and now.

This amendment is to protect and intended to protect the people, all the people, from the corrupt influences of lobbyists and, if it does not, amend it and make it do so.

One man came here and remained "lobbying" against this bill. He said to the committee he and his firm were not connected with the trust, but recently one of the officers of this trust stated to the master in New York City hearing evidence in the case against this trust, that this man and his firm were controlled by the trust.

Another lobbyist was thanked for his efficient work in opposition to this bill, and was given an increased amount of money to meet his future "extraordinary expense" in this fight. These are the kind of "lobbyists" my measure strikes at, or any kindred kind. [Applause.]

Let any man write, or in person, or by his lawyer or agent, appeal to the committee of Congress, but let his hands be clean and his objects clean, but stop "lobbying."

Mr. PAYNE. Has the gentleman, in his amendment, anything about the trusts?

Mr. GAINES of Tennessee. Oh, no.

Mr. PAYNE. Has he anything in his bill about people who come in to oppose legislation?

Mr. GAINES of Tennessee. Those who lobby; yes. This will but keep down the thing that makes trusts. They came here in 1893 and got a tax put on leaf tobacco and it has been kept there since by the trust and the "lobbyists," and I want to say here that in behalf of my people in the dark tobacco district of Tennessee and of Kentucky, who are down there to-day struggling with this—

Monster of such frightful mien,  
As, to be hated, needs but to be seen—

that I thank the gentleman from New York [Mr. PAYNE] and the gentleman from Pennsylvania [Mr. DALZELL] for twice reporting and passing this tobacco bill in the House; but unfortunately the tobacco trust and its hired "lobbyists" dug its grave in the Finance Committee of the Senate and buried it there amidst much rejoicing.

The CHAIRMAN. The time of the gentleman has expired.

Mr. GAINES of Tennessee. I am very sorry. I should like to have a little more time.

Mr. OLLIE M. JAMES. I ask that the gentleman have five minutes more. He was interrupted by the gentleman from New York.

The CHAIRMAN. Is there objection to the request that the gentleman's time be extended five minutes?

There was no objection.

Mr. GAINES of Tennessee. Mr. Chairman, I am very much obliged for the leave to continue. Let us get down to this amendment. There may be very little in this bill, but there is a great deal more in the proposition "lobbying."

Mr. BONYNGE. Read it over again.

Mr. GAINES of Tennessee. Oh, no; I will not take up my time that way. But now let us get down to the milk in the cocoanut. Gentlemen are a little bit disposed to treat this matter as they did my "free-pass abuse" bill; but "it is a short Jersey that does not want a tail in fly time." [Laughter.] You had to come back home—you who voted against the free-pass proposition at first, but you had to come home and ask me to let you roost on my roost, and I was good enough to let you do it. And, I say, and I say it kindly, that gentlemen on that side who fought me in that matter were the very gentlemen who had afterwards to report a railroad bill here with an anti-pass provision in it, and it became law.

Now, I do not want to be diverted any more. I want to talk about the tobacco trust hereafter, for it is a menace to this country. President Roosevelt said to me that it was the worst one of all of them, and I believe so. It has a big Democrat on one side, a big Republican on the other, and the devil in the middle. [Laughter.] James B. Duke, Republican, a member of this trust, was a delegate who helped nominate President Roosevelt. Thomas Fortune Ryan, a member of this trust, is a Democrat who helped to nominate my friend Parker, and I, too, helped to nominate him. Thus, Duke and Ryan work "both sides of the street" and have built up this trust. I am glad that Uncle Sam has got hold of them, and I hope he will keep hold of them, legitimately and squarely hit them above the belt and crush this trust.

Now, section 3 reads:

*Be it further enacted:* That the purpose of this act is to prohibit all persons from all attempts to lobby or unduly influence the judgment and action of the Congress in matters concerning the general welfare, proposed measures, and those pending before the Congress or any of its committees, by parties acting for pay or the hope or promise thereof, and not from patriotism; and this law shall be construed as remedial so as to suppress the mischief and protect the public morals.

You see, we are acting as a court here and are construing in plain language our own bill:

But shall not be construed in conflict with (but to better preserve and protect) the right of petition, or include any word, printing, or written address by a person who acts without fee or reward, or the promise or hope thereof, unless such person is in the employment and pay of the person or corporation in whose interests such word, address, printing, or writing is uttered or published.

There is nothing more mortifying than to see a great lawyer of the country come here and "lobby" for anything. His license does not permit him to "lobby," nor does it protect him from censure.

This section further provides:

*But this law shall then not apply,* if before his services begin with the persons elected to Congress, he shall file with each of such persons a written or printed statement, verified by affidavit, stating his name, address, and regular business, or businesses, the name of his client, or claimant, or employer, and his or their address and business, or businesses, the amount of his compensation paid, and to be paid, with a copy of the contract or contracts under which his or their entire services are to be rendered, and particularly whether his or



their services are to be compensated for upon a fixed or contingent compensation, with the name and address of the person or persons, corporation or corporations, who have paid or agreed to pay such compensation.

Sec. 4. *And provided further*, That the said person, client, claimant, or employer, or his attorney or agent, shall send to each chairman of the respective committees of Congress a duplicate copy of such affidavit.

Sec. 5. *Be it further enacted*, That the chairman of each committee of Congress shall, at all reasonable hours, keep open in his committee room for inspection of the public a copy of such affidavit or affidavits.

Now, gentlemen, I say that permits any man in the United States under the right of petition or through his counsel or any person to come here and do his whole duty within proper limits, and it does not permit him to do anything more. It also lays before Members the full history of the lawyer or agent and his entire connection with the matter before Congress. Nothing is covered up; nothing secret. The "lobbyist" is known by this procedure, and so is the lawyer, agent, and client.

Now, I say that this great Congress of the United States, where our greatest lawmakers are supposed to be, where the President lives, where the Senate is, where the House of Representatives is, and all its Departments, where the heart of the nation throbs, ought to have the protection against the "lobbyists" that this bill strikes at. [Applause.]

The CHAIRMAN. The question is on the amendment offered by the gentleman from Tennessee.

The question was taken, and on a division (demanded by Mr. GAINES of Tennessee), there were—ayes 47, noes 76.

So the amendment was rejected.

The Clerk, proceeding with the reading of the bill, read as follows:

Sec. 115. [Whoever, being elected a Senator, Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office, or being the head of a Department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any Department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than \$10,000 and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States.] (R. S., s. 1782.)

Mr. HUGHES of New Jersey. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

In line 12, after the word "elected," add the words "or appointed;" and in line 15, after the word "election," add the words "or appointment."

Mr. HUGHES of New Jersey. Mr. Chairman, the object of this amendment is to cure what it seems to me is an omission. It often happens that Senators are appointed. In some States the legislatures do not meet only once in four years, and a man may be appointed and take the office of United States Senator and serve a long time, acting as a Senator by appointment, and the provisions of this section, as I read them, would not apply.

Mr. MOON of Pennsylvania. Mr. Chairman, I think that is a good amendment, and I will accept it.

The CHAIRMAN. The question is on the amendment offered by the gentleman from New Jersey.

The question was taken, and the amendment was agreed to.

Mr. HUGHES of New Jersey. Now, Mr. Chairman, I desire to say to the House that that amendment should have been made to the preceding section, inasmuch as the preceding section deals with Members of Congress, and a United States Senator is a Member of Congress in a broader sense of the term. I will ask unanimous consent to return to section 114.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

Mr. MOON of Pennsylvania. Mr. Chairman, I shall object to that now with the understanding that later on the committee itself will move the amendment if they feel it necessary to perfect that section.

Mr. ANSBERRY. Mr. Chairman, I offer the following amendment:

The Clerk read as follows:

Amend section 115, line 25, page 57, by inserting after the word "whatever" the following: "or being a Senator or Representative in Congress shall be or serve as an officer, director, attorney, counselor, or agent of any company or corporation engaged in interstate transportation."

Mr. ANSBERRY. Mr. Chairman, at the risk of being accused of indulging in buncombe and of framing humbug legislation, as other gentlemen on this side of the House have been accused, because of amendments suggested during the pendency of this measure, I rise to address myself to the amendment I have introduced. My reasons for advocating this amendment to existing law are twofold: First, to the end that I might add my mite

toward the molding and forming of the criminal statutes of my country so that prison doors may be opened for those undesirable citizens, if I may be permitted the expression, who, disregarding their plain duty toward their constituents, their country, and in evident contempt for and in total disregard of the scriptural injunction that "no man can serve two masters, God and mammon," seek to represent the American people on the floor of this House and at the same time are the high-priced agents, employees, or attorneys of the corporations that come here either seeking legislation favorable to themselves or desire "jokers" or "sleepers" put in innocent bills that are always more or less inimical to the best interests of the plain people. When I say plain people, I mean that great body of righteous, God-fearing, law-respecting men and women who make up the great bulk of our country's population. It may be said that this amendment, which seeks among other things to prevent members of Congress or United States Senators from accepting employment as the paid attorneys or counselors of the great corporations engaged in interstate transportation, while members of this body or of the Senate, is radical, drastic, and unusual legislation. My reply is that it only seeks to remedy conditions that the people, in some parts of the country at least, think are not only not unusual, but which, in addition, demand drastic and radical legislation to remedy.

Some gentlemen here, in the course of debate, recently said that the House could get along much more rapidly but for the fact that there were too many lawyers here, who persisted in talking, arguing, and debating, thus wasting time. I agree with the gentleman from Wisconsin [Mr. KÜSTERMANN] in part, but a careful reading of my amendment will disclose that I point out a method of preventing a certain class of lawyers from doing the American people infinitely more harm than wasting their time. I am strongly of the opinion, however, that the fact that so large a proportion of the percentage of Members of this House are lawyers is but a tribute to the high regard that our profession has in the minds of our people, added to the fact that by common consent lawyers—men trained in the putting into effect and testing legislation—are best equipped by that training and by education to make laws. But the lawyers who seek to serve in the double capacity I mention in my amendment are responsible for the sentiment that exists in periods of unrest, that there are too many lawyers in both branches of Congress. I am not going to make an assault upon corporation lawyers generally. That would be equally silly and futile, and defeat the honest ends I seek to attain; for corporation lawyers who legitimately and skillfully practice their profession are entitled to that credit which is always accorded to merit coupled with skill and honesty. It is the lawyer employed by the corporations engaged in interstate commerce, not for his skill in the legitimate practice of his special branch of his profession, but for his corrupt influence—as a Member of the House or Senate, that this amendment strikes, and who discredits his profession. The second influence that impelled me to this action—and perhaps it should have been stated first, because I think it was the controlling one—was a letter I received shortly after I was elected a member of this body. I received a communication from the Commissioner of Pensions, Mr. Warner, and I now desire to publicly thank him for that warning letter, for it advised that inasmuch as I represented an old soldier of the civil war in a claim the soldier had for a pension or an increase of pension then pending before his Department, I would subject myself to the pains and penalties provided for in section 115 if I continued to represent this or any other soldier before the Pension Bureau after I had been elected to Congress. And the punishment that would have been meted out to me, had I sought to use my influence on behalf of my soldier clients, was and is entirely out of proportion to the benefit that I could possibly render him in the double capacity of Congressman and attorney.

I mention this incident as an illustration and to call your attention forcibly to the fact that this statute as it now stands discriminates against the old soldiers of this land by putting them in the position of not permitting them to have an attorney, if such attorney be afterwards elected to Congress, or at any rate, of not permitting this attorney to use his influence, and the influence that naturally comes to him because of his selection, before the Pension Department of his Government for the purpose of obtaining a pension or an increase of pension for his client, even though the attorney's compensation is merely nominal. This in the face of the fact that the privilege of having a paid agent or attorney a Member of this body or the Senate is afforded to the Pennsylvania Railroad Company, the Pullman Palace Car Company, the United States Express Company, and all other corporations engaged in interstate transportation. I submit the unfairness of this situation. I submit that if the soldiers of

this country—those brave men who, between the years 1861 and 1865, turned their backs upon their families, their opportunities, in fact, their all, and went forth to do battle for their country, and if needs be to lay down their lives in sacrifice upon the altar of patriotism—are denied the rights and privileges of having upon this floor paid attorneys, not to use their influence in the House or Senate, but before Departments of the Government, for a much stronger reason these giant corporations which I have heretofore named and many others should be denied representation in the House and Senate, even though that employment be under the thinly veiled guise of attorney, counselor, director, or agent. [Applause.] It may be said that it is a different proposition to represent a corporation here in the halls of Congress than representing a soldier client before a Department or Bureau of this Government; to that I answer that is a distinction without a difference. And further there can be infinitely more harm worked in legislation by paid attorneys or agents of interested corporations when those agents are Members of the Congress of the United States than there possibly could be done by Members of Congress as attorneys for the old veterans of this country if they, acting in such capacities, succeeded in inducing the head of the Pension Bureau to turn over to their clients a sum equal to the entire surplus now in the Treasury of this great country.

I say that perhaps it is wrong to cut the old soldiers out of their undoubted right of having the influence of a Member of Congress who happens to be their attorney before these Departments. But this House and the Senate in their wisdom have placed legislation upon the statute books of a character that prohibits that relationship, and in view of this fact I say that this amendment, which is right in principle, if perhaps not clear in phraseology, should be passed by this Congress.

Certainly no one can be heard to deny the proposition that it is absolutely wrong in principle to permit corporations seeking valuable privileges here, and always vigorously contending against legislation that seeks to restrain their cupidity and lawlessness, to retain an attorney at law or a counselor at law by the year for the purpose of representing them on the floor of this House. No one, I believe, could urge a strong or reasonable objection to this amendment. Now, Mr. Chairman, many things have been said about buncombe in reference to amendments of this character. I say to the gentlemen who advance that proposition, the mild-mannered leaders of the majority, that there has been considerable buncombe emanating from the other side in the past two or three days. I cite in support of that this one thing that I am sure the record will support. You gentlemen have long claimed to be the custodians and guardians of the rights of the colored brother. On this side of the House several amendments were offered the other day seeking to strike from the statute books of the United States laws that were passed in reconstruction days and that now are useless and ineffectual and only lumber up the books. Thereupon gentlemen on the other side rose in their seats and with great eloquence sought to protect the shadowy rights contained therein on behalf of the colored brother, and for one session in the last Congress, and so far in this session of this Congress, not a Member has raised his voice in protest against the President of the United States, who, disregarding his plain duty, and in violation of his own precept—"the square deal"—assailed the substantial and property rights of at least three companies of colored troops, some half dozen of whom were charged—not proven guilty, but charged—with having been engaged in an affray at Brownsville, Tex. [Applause.] These men were denied their constitutional right of having their day in court before having sentence pronounced upon them—and a serious sentence it was to many of these colored soldiers, some of whom were petty officers—of being dishonorably discharged from the United States Army, and no one yet has been found who can say with that certainty which is always required in a court, whether civil or military, just who were engaged in that lamentable affair.

I say to you, you gentlemen on the other side who are always quick to rush out and champion the cause of the colored brother when you suspect his right to vote may be interfered with, that the action of the President in this affair presents a splendid opportunity for you to pour out eloquence, to pronounce invective, and to assail some one, even though that person be a Republican and a Republican President, for he has taken away very substantial property right from these people. Inasmuch as you have failed to defend the negro when he was attacked from high places, I think that we can fairly consider your defense of him in the past few days is buncombe.

Now, returning to this amendment, I invite the support of gentlemen here who see in this amendment a right principle. I invite, irrespective of party, the unanimous support of every

gentleman who is favorable to having legislation acted upon by only those who are not directly interested financially in the legislation that may be pending. [Applause on the Democratic side.]

The CHAIRMAN. The question is on the adoption of the amendment offered by the gentleman from Ohio.

The question was taken, and on a division (demanded by Mr. ANSBERRY) there were—ayes 43, noes 73.

So the amendment was rejected.

Mr. DENBY. Mr. Chairman, I move to amend section 115 by striking out of line 14, page 57, the words, "from any Territory of the United States," a committee amendment.

The CHAIRMAN. Does the gentleman desire to be heard upon the amendment.

Mr. DENBY. No.

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 116. [Whoever, being elected a Member of or Delegate to Congress, or a Resident Commissioner from any Territory of the United States, shall, after his election and either before or after he has qualified, and during his continuance in office, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part any contract or agreement, made or entered into in behalf of the United States by any officer or person authorized to make contracts on its behalf, shall be fined not more than \$3,000. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the Department under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties, for the recovery of the money so advanced.]

Mr. DENBY. Mr. Chairman, in line 5, page 58, I move to insert the words "or appointed" after the word "elected."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 58, line 5, after the word "elected," insert the words "or appointed."

The question was taken, and the amendment was agreed to.

Mr. DENBY. Mr. Chairman, now in lines 6 and 7, page 58, I move to strike out the words "from any Territory of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 58, lines 6 and 7, strike out the words "from any Territory of the United States."

The question was taken, and the amendment was agreed to.

Mr. DENBY. I have one other amendment, on line 7, after the word "election" add the words "or appointment."

The CHAIRMAN. The Clerk will report the amendment. there were—ayes 54, noes 63.

Page 58, line 7, after the word "election" insert the words "or appointment."

The question was taken, and the amendment was agreed to.

The CHAIRMAN. Does the gentleman from Arkansas desire to be heard?

Mr. MACON. No, sir; I was going to offer the same amendment which the gentleman from Michigan did.

The Clerk read as follows:

SEC. 117. [Whoever, being an officer of the United States, shall on behalf of the United States, directly or indirectly, make or enter into any contract, bargain, or agreement, in writing or otherwise, with any Member of or Delegate to Congress, or any Resident Commissioner from any Territory of the United States, after his election as such Member, Delegate, or Resident Commissioner, and either before or after he has qualified, and during his continuance in office, shall be fined not more than \$3,000.]

Mr. DENBY. On page 59, lines 5 and 6, I move to strike out the words "from any Territory of the United States."

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Page 59, lines 5 and 6, strike out the words "from any Territory of the United States."

The question was taken, and the amendment was agreed to.

The Clerk read as follows:

SEC. 118. Nothing contained in the two preceding sections shall extend, or be construed to extend, to any contract or agreement made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, or Resident Commissioner, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement.

Mr. DE ARMOND. Mr. Chairman, I offer the following amendment.

The CHAIRMAN. The gentleman from Missouri offers the amendment, which the Clerk will report.



The Clerk read as follows:

Amend by striking out section 118 and inserting in lieu thereof the following:

"The two preceding sections shall extend to and embrace all contracts and agreements made, entered into, or accepted by any incorporated company wherein a Member of or Delegate to Congress or Resident Commissioner is interested, directly or indirectly, and to the purchase and sale of bills of exchange and other property by any Member, Delegate, or Resident Commissioner."

Mr. DE ARMOND. Mr. Chairman, I do not know what the original purpose of this enactment was, but, certainly, to leave this section stand as it is nullifies the two preceding sections. They forbid a Member, Delegate, or Resident Commissioner from doing jobbing in contracts, and, according to the provisions of section 118, as printed, that industry is entirely open, provided the corporation in which the Member, Delegate, or Resident Commissioner is interested is the party instead of the individual. It seems to me, if there is any virtue in the legislation and it is expected to accomplish anything, it ought to extend to dealings with any corporation in which a Member, Delegate, or Commissioner is interested, just as completely as to dealings with individuals.

The CHAIRMAN. The question is upon the amendment offered by the gentleman from Missouri.

The question was taken, and the Chairman announced that the noes appeared to have it.

On a division (demanded by Mr. DE ARMOND) there were—ayes 48, noes 73.

Mr. DE ARMOND. Tellers, Mr. Chairman.

Tellers were ordered.

The committee again divided, and the tellers (Mr. DE ARMOND of Missouri and Mr. MOON of Pennsylvania) reported that there were—ayes 46, noes 68.

So the amendment was rejected.

The Clerk read as follows:

SEC. 119. Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any Department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States.

Mr. BURLESON. Mr. Chairman, I move to strike out the last word. I desire to give assurance to the members of the committee that the amendment which I will offer and what I will say about it is in no sense partisan. I assure you also that it is not my purpose to trench in the least upon the field of proper revision so clearly and forcibly outlined the other day by the distinguished gentleman from Pennsylvania [Mr. MOON]. I recognize that it is necessary that the scope of our action upon this bill should be quite limited. Especially do I recognize the danger of even the committee attempting to embody in it new subjects of legislation, because, as was so well said by the gentleman from Pennsylvania [Mr. MOON], to do so in a general way would be to usurp in a measure the functions of all the other committees of this House. I recognize also the danger and the folly of attempting in the Committee of the Whole to amend this bill by defining and adding new offenses, because of the great danger of the wreck to be brought about through the maelstrom of such ill-considered attempts at legislation. Mr. Chairman, I believe the amendment that I shall offer is not subject to either of these objections. It penalizes certain acts which the President of the United States, through a message to this body, has urged upon the Congress to penalize. The amendment I will offer was embodied in a memorandum prepared by me and submitted to the Solicitor-General of the United States, and having been carefully considered by him, and altered to conform to his views of what was necessary to meet the evil, was then submitted to the able lawyer who was then Attorney-General of the United States and who now graces our Supreme Court, and was carefully gone over by him. It was then introduced by me in the shape of a bill and referred to the Committee on the Judiciary.

It was there carefully considered by that committee, composed of some of the ablest lawyers of this body, and reported unanimously and passed the House. It was sent to the Senate, referred to the Senate Committee on the Judiciary, was carefully considered by that committee, and reported back to the Senate, and passed that body with only slight verbal amendments. It would have become law without doubt but for the

fact that an attempt was made in conference to penalize certain acts if committed by Members of Congress. When the report of the conference committee was brought before the House it was objected to. It resulted in a contest upon the floor, and the conference report was rejected. Subsequently, eliminating the new features which were sought to be embodied in the bill by the conference committee, stripping the bill down to just what it contained as it originally passed the House and Senate, I reintroduced it, and it was again considered by the Judiciary Committee and a unanimous report was made favoring its passage.

Now, gentlemen of the committee, in the light of these facts, I submit this amendment can not be considered as new legislation, and if accepted it can not be considered a usurpation of the functions of another committee, because, as I have shown you, it has been twice favorably considered by the Judiciary Committee of the House and once by the Judiciary Committee of the Senate, once passed by this body, and also once passed by the Senate. And now, Mr. Chairman, is the amendment properly subject to the objection that its phraseology has not been given proper consideration? I think not. Considering the scrutiny given it by the Solicitor-General and also by the Attorney-General and the further fact that the bill was given most careful consideration by a subcommittee of the Committee on the Judiciary, of which the distinguished gentleman from Maine [Mr. LITTLEFIELD] was a member, Mr. Chairman, I feel that I am justified in contending that this amendment is not subject to the objections heretofore urged by the able chairman, the gentleman from Pennsylvania [Mr. MOON]. Now, I shall send the amendment to the Clerk's desk, and ask that it be read, and then I want to be heard one minute further upon its merits.

The CHAIRMAN. The gentleman from Texas [Mr. BURLESON] offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amend by adding after section 119 the following:

"SEC. 119a. Every officer and employee of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of the authority of any Department or office of the Government who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is required by law or under the rules and practices of any Department of the Government to be withheld from publication until a fixed time, who shall willfully impart, either directly or indirectly, said information, or any part thereof, to any person not entitled under the law or rules and practices of the Department of the Government to receive same, shall be punished by imprisonment for not more than ten years and may be fined in any sum not to exceed \$10,000.

"SEC. 119b. Every officer of the United States and every person acting for or on behalf of the United States in any official capacity under or by virtue of any Department or office of the Government who shall, by virtue of the office or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, who shall, before said information is made public through regular official channels, either directly or indirectly, speculate in said product, by selling or buying same in any quantity, shall be punished by a fine of not more than \$10,000 and may be imprisoned for not more than ten years."

Mr. BURLESON. Now, Mr. Chairman, a few words more about the conference report, as there seems to be a misapprehension about some parts of it. When this bill after passage was again brought before the House in the conference report, an attempt had been made to embody new features in it which provoked the opposition of the distinguished gentleman from Massachusetts [Mr. MCCALL], and during the discussion of the report of the conference committee the gentleman said that if the terms of the bill were made to apply exclusively to the products of the soil, and some minor modification, I believe, of the minimum punishment prescribed, that he would have no further objection to it. The bill as reintroduced by me—this amendment—applies exclusively to products of the soil, and the objection which was made by the gentleman from Massachusetts [Mr. MCCALL], or some one else, to the minimum punishment has also been met by conforming to the general rule which has been adopted by the Committee on Revision, which, by failing to fix a minimum punishment, lodges that discretion with the judicial officer who may try the case.

I want to say this further, Mr. Chairman, as to the merits of this amendment: There can now be, as I see it, no substantial objection urged to its passage. Its phraseology is the same, with the exceptions indicated, as when it passed this House without objection, and when it passed the Senate without objection.

This amendment is intended to cover an evil to which the Secretary of Agriculture directed the attention of the President; and the President in a message urged the Congress to penalize the commission of those acts. The adoption of this amendment will be a protection to the wheat growers of this

country against the premature disclosure by an unfaithful employee as to what the wheat crop may be, and using same as the means of hurtful and dishonest speculation in this product. We all know that one offense affecting the cotton crop has already been committed, and a judge in New York, having the matter brought before him for determination, held that there was no statute of the United States covering such an offense.

It is for these reasons that I earnestly urge the committee to permit the adoption of this amendment. It is not a matter of new legislation that has not received committee consideration, because, as I have stated, the Committee on the Judiciary had twice favorably reported on it in the House and once in the Senate. It is not haphazard legislation, an attempt at ill-considered legislation upon the spur of the moment, because every word in the amendment has been carefully weighed, and, furthermore, it has been considered by Congress itself. There is absolutely no danger of making a mistake in the phraseology of this amendment, because it has been given most careful consideration, as I have shown you.

Now I ask, gentlemen, unless some substantial reason can be given why it should not be, that the amendment be accepted.

I understand that the substance of this amendment was originally embodied in the bill we are now considering, but was stricken out by the committee because it was believed to have been defeated in the House. The gentleman from Massachusetts [Mr. McCall] is here and will be a witness to the fact that it was defeated because we attempted to inject new matter in the bill through the instrumentality of a conference report. All new matter sought to be injected by the conference report has been eliminated from this amendment and it is now just as it was originally reported by the Committee on the Judiciary and originally passed by the House and Senate.

Mr. MANN. Will the gentleman yield to a question?

Mr. BURLESON. Certainly.

Mr. MANN. How is it possible in precisely the same condition in which it passed the House and Senate if it is not law now?

Mr. BURLESON. For the simple reason that in the conference report—

Mr. MANN. There can be no conference report putting it before us in precisely the same condition if it passed both bodies.

Mr. BURLESON. It was this way: There were certain slight verbal amendments which sent it to conference, and in conference the attempt was made to embody in the bill new matter. I will say I approved the new matter or legislation, because it attempted to penalize the acts of Members of Congress who become possessed of information by reason of their office if they should then take advantage of this information to speculate upon the stock exchanges of our country. That is what the conference report attempted, and that attempt defeated my bill.

Mr. MANN. The gentleman says a "slight verbal amendment," but still a sufficient amendment to bring the two Houses into disagreement instead of agreement.

Mr. BURLESON. Yes, sir; a formal disagreement only.

Mr. MANN. The gentleman knows that when a bill passes the House and is returned with a slight verbal Senate amendment to the House, the usual custom is for the House to concur in the Senate amendment and not send a bill to conference on a mere verbal amendment.

Mr. BURLESON. As I now recollect it, there was an attempt at a change of verbiage, and also a change in the punishment, which threw it into conference. I assert now positively that there is no material change in the text of this bill as it originally passed the House and Senate and as it was originally prepared by the subcommittee of the Judiciary Committee and reported to the House by that committee.

Mr. McCALL. Mr. Chairman—

The CHAIRMAN. Does the gentleman yield to the gentleman from Massachusetts?

Mr. McCALL. Has the gentleman finished his remarks?

Mr. BURLESON. Yes; I yield the floor.

Mr. McCALL. Mr. Chairman, I did not get the form of the amendment exactly that is offered by the gentleman from Texas, but I do not think that he remembers correctly what happened in the debate nearly two years ago. It is true that the bill passed the House without debate. It subsequently passed the Senate. Certain amendments were put in and a change was made in conference, so that technically the House still had a chance to express an opinion upon the bill. My attention was called to the bill; and while I had not any particular objection to this amendment in conference, yet the bill was very important. Those of the Members present who were here at that time will remember I attacked the whole bill,

which had not been debated in the House at all. The bill was fully debated. This conference report was defeated by three or four to one; and then I moved to kill the whole bill, by laying it upon the table, because I believed it to be absolutely vicious legislation; and the House by two to one killed the bill. Now, I think this a very peculiar provision to offer in a bill revising the statute law. Let it go to the Committee on the Judiciary; and if it is reported in the shape that it was when it was before the House, I believe the House will have the good sense to defeat it.

Mr. BURLESON. Will the gentleman yield to a question?

Mr. McCALL. Certainly.

Mr. BURLESON. Do I understand the gentleman to say that during the course of that debate upon this floor the gentleman did not say that, if the bill was made to apply to the products of the soil alone, he would have no objection to it?

Mr. McCALL. I could hardly undertake to state everything I said in that debate, because I think I had the floor nearly an hour, and I do not know that I saw in what form the gentleman offered his amendment; but I do say that if the amendment which the gentleman now offers is the same as the bill that was reported by the Judiciary Committee and that the House then killed, I said nothing that by the most excruciating torture could be construed as favoring that proposition.

Mr. BURLESON. Undoubtedly the bill is the same as was originally reported by the Judiciary Committee and passed the House. I state candidly to the House that it is the same bill that passed the House without opposition and passed the Senate without opposition, with only slight verbal amendments. In conference the attempt was made to apply the penal clauses of that act to certain acts if committed by Members of Congress, and the fight upon the bill was provoked because it applied in its new provisions to Members of Congress.

Mr. McCALL. Not at all. I will say to the gentleman, absolutely, that the report of the debate will show that the whole bill was attacked. We simply had an opportunity, because there was a committee amendment undisposed of, to get at the bill. The gentleman said it had passed the House. It had passed the House without any debate whatever. After it was debated, the House refused to pass the bill. Now, I will say that the gentleman afterwards spoke to me of a certain way of treating the bill, in which it would meet the evil he had in view. I had no objection to that; but I do emphatically object to the bill as it was reported by the Judiciary Committee at that time, and which the House repudiated.

After the conference report had been rejected, then the House voted by two to one to lay the whole thing on the table.

Mr. BURLESON. Acting upon that suggestion, I eliminated the very features to which the gentleman alluded, and reintroduced the bill, and the Judiciary Committee promptly reported it favorably.

Mr. Chairman, in order that there may be no misunderstanding about this, I ask unanimous consent that this go over; and if I can not show the gentleman in the Record where he in express terms stated that if it was made to apply to products of the soil he would not offer objection, I will not reoffer it. I ask unanimous consent that this section and the amendment be passed until I have opportunity to submit the Record to the gentleman.

Mr. McCALL. Pardon me a moment. I understood the gentleman to say that the amendment that he was now offering was in the same form as that in which the Judiciary Committee originally reported the bill, and in which it passed the House.

Mr. BURLESON. With the exceptions stated.

Mr. McCALL. If you have amended that, I would want to study the text of your amendment.

Mr. BURLESON. With reference to the penal clause only.

Mr. McCALL. Do I understand that the gentleman has not amended it in any other respect?

Mr. BURLESON. None whatever.

Mr. McCALL. Then it is a bad bill. I never favored it, and I never would favor it, and I believe the House would never favor it.

Mr. HULL of Iowa. If it goes over until to-morrow, let it be printed in the Record.

Mr. BURLESON. I ask unanimous consent that it be printed in the Record, and that it may go over until to-morrow without prejudice.

Mr. MOON of Pennsylvania. Mr. Speaker, I should like to limit that unanimous consent, so that the one thing that would go over for discussion to-morrow should be this amendment.

Mr. BURLESON. Certainly; that is agreeable to me.

The CHAIRMAN. The gentleman from Texas [Mr. BURLE-



son] asks unanimous consent that this paragraph of this section and the pending amendment may be passed until tomorrow.

Mr. SHERLEY. As I understand the agreement of the gentleman from Pennsylvania [Mr. Moon], it is that upon tomorrow the gentleman from Texas may move to recur to this section for the purpose of offering this amendment, and that only.

The CHAIRMAN. The Chair can not put any suggestion made by the gentleman from Pennsylvania. He puts the request made by the gentleman from Texas. If he desires to modify that request, he can do so.

Mr. BURLESON. I desire to modify it to meet the wishes of the gentleman from Pennsylvania [Mr. Moon].

The CHAIRMAN. The Chair now understands—he may not understand correctly—that the gentleman from Texas asks unanimous consent that this section may be passed until tomorrow, and then taken up for the consideration of this amendment, perfected in such way as he shall perfect it overnight.

Mr. MOON of Pennsylvania. And that only.

Mr. BURLESON. That is also satisfactory to me.

The CHAIRMAN. Is there objection?

There was no objection.

#### MESSAGE FROM THE SENATE.

The committee informally rose; and Mr. MANN having taken the chair as Speaker pro tempore, a message from the Senate, by Mr. PARKINSON, one of its secretaries, announced that the Senate had passed without amendment bills of the following titles:

H. R. 10519. An act to authorize the Nashville and North-eastern Railroad Company to construct a bridge across Cumberland River at or near Celina, Tenn.;

H. R. 4891. An act to authorize the city of Burlington, Iowa, to construct a bridge across the Mississippi River; and

H. R. 251. An act to amend an act entitled "An act to authorize the city of St. Louis, a corporation organized under the laws of the State of Missouri, to construct a bridge across the Mississippi River," approved February 6, 1907.

The message also announced that the Senate had passed joint resolutions and bills of the following titles, in which the concurrence of the House of Representatives was requested:

S. J. Res. 23. Joint resolution to provide for the remission of a portion of the Chinese indemnity;

S. J. Res. 17. Joint resolution to amend the provision in the river and harbor act of March 2, 1907, relating to the Sandy Lake reservoir;

S. 3020. An act to construct a tender for the use of the engineer of the first and second light-house districts;

S. 3019. An act to construct a tender for the use of the inspector of the first light-house district;

S. 2929. An act to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River in the State of Washington;

S. 2725. An act to extend the time for completion of the building of dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn.;

S. 2712. An act to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious.

S. 2662. An act to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz.

S. 2640. An act to establish a fish-cultural station in the State of Kansas.

An act (S. 1774) to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands.

S. 1666. An act for the relief of Stene Engeberg.

S. 720. An act to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby.

S. 713. An act to amend an act entitled "An act authorizing the construction of additional light-house districts," approved July 26, 1886.

S. 648. An act to establish a fish-culture station in the State of Wyoming.

S. 551. An act relating to commutation of homestead entries and to confirm such entries when commutation proofs were received by local officers prematurely.

S. 535. An act to establish a fish-culture station in the State of Utah.

S. 507. An act to establish a fish-cultural station in the State of Nebraska.

S. 485. An act to create a new division of the northern judicial district of Texas, and to provide for terms of court at

Amarillo, Tex., and for a clerk for said court, and for other purposes.

S. 387. An act to establish a fish-culture station at the city of Fargo, in the State of North Dakota.

S. 141. An act to establish a fish-cultural station in the State of Idaho.

S. 113. An act to establish a fish-hatching and fish-culture station at Dell Rapids, S. Dak.

S. 29. An act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District.

The message also announced that the Senate had passed with amendment bill of the following title, in which the concurrence of the House of Representatives was requested:

H. R. 300. An act providing for second homestead entries.

The message also announced that the Senate had passed the following concurrent resolutions, in which the concurrence of the House of Representatives was requested:

Senate concurrent resolution 14.

*Resolved by the Senate (the House of Representatives concurring), That there be printed 2,000 additional copies of Senate Document No. 151, present session; 1,000 for the use of the Senate and 1,000 for the use of the House of Representatives.*

Senate concurrent resolution 3.

*Resolved by the Senate (the House of Representatives concurring), That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Little Contentnea River, North Carolina, from the mouth of same to the town of Ridge Springs, in Greene County, N. C., with a view of dredging, cleaning out, and widening the channel, and to submit a plan and estimate for such improvements.*

Also:

*Resolved, That no communications from heads of Departments, Commissioners, chiefs of bureaus, or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate unless such communications shall be transmitted to the Senate by the President.*

*Resolved, That a copy of this resolution be communicated by the Secretary of the Senate to the President and the House of Representatives.*

#### CODIFICATION OF THE PENAL LAWS OF THE UNITED STATES.

The committee resumed its session.

The Clerk read as follows:

SEC. 123. No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner from any Territory of the United States, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever.

Mr. DENBY. Mr. Chairman, I move to amend section 123, page 61, by striking out from lines 22 and 23 the words "from any Territory in the United States."

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan.

The question was taken, and the amendment was agreed to.

Mr. DE ARMOND. Mr. Chairman, I move to recur to section 112.

The CHAIRMAN. The committee, by unanimous consent, passed section 112, subject to an amendment offered by the gentleman from Missouri [Mr. DE ARMOND], which the Clerk will report.

The Clerk read as follows:

Amend by adding at the end of section 112 the following:

"Whoever shall, directly or indirectly, give, receive, or accept anything of value for or on account of any vote, decision, or act of any such Member or Delegate or Resident Commissioner, shall be subject to fine and imprisonment as heretofore in this section provided."

The CHAIRMAN. The question now is on the amendment offered by the gentleman from Missouri.

The question was taken, and on a division (demanded by Mr. DE ARMOND) there were—ayes 41, noes 51.

Mr. DE ARMOND. Tellers, Mr. Chairman.

Tellers were ordered, and the Chair appointed as tellers Mr. Moon of Pennsylvania and Mr. DE ARMOND.

The committee again divided and the tellers reported that there were—ayes 54, noes 63.

So the amendment was rejected.

The CHAIRMAN. There is also pending an amendment, as an additional section, offered by the gentleman from Texas [Mr. RANDELL], which the Clerk will report.

The Clerk read as follows:

SEC. 112a. That it shall be unlawful for any railroad company, or sleeping car, dining car, steamboat, express, telegraph or telephone company, or any company incorporated by act of the Congress of the United States, or any corporation or firm engaged in interstate commerce to give to any Senator or Representative of the Congress of the United States, or to any judge or justice of any court of the United States, any free transportation of person or property, or frank, franking privilege, or money, or other thing of value; and any company or

person violating any of the provisions of this section shall be punished by fine of not less than \$100 nor more than \$5,000 for each such offense; and any officer or agent of such company or companies who shall violate any provisions of this section shall be punished by fine not to exceed \$5,000, or by imprisonment in the penitentiary for not less than six months nor more than two years, or by both such fine and imprisonment.

That if any Senator or Representative in the Congress of the United States, or any judge or justice of any court of the United States, shall receive from any railroad, steamboat, sleeping car, dining car, or express company, telegraph or telephone company, or any company chartered by an act of Congress, or any corporation or firm engaged in interstate commerce, or officer or agent of any such firm, company, or companies, any free transportation of person or property, or any frank or franking privilege, or gift of money or other thing of value, he shall be deemed guilty of a high misdemeanor, and on conviction thereof shall be punished by fine not to exceed \$1,000, or by imprisonment not to exceed one year, or by both such fine and imprisonment, and shall forever be barred from holding office under the Government of the United States.

The CHAIRMAN. The question is on the adoption of the amendment.

Mr. RANDELL of Texas. Mr. Chairman, after talking with some members of the committee about the matter, I desire to ask the committee to let these matters go over until morning. It is much earlier than we expected to have them taken up. I can hardly speak myself to-day. It will not interfere with the business of the committee, and we can take it up the first thing in the morning. I ask unanimous consent that that be done.

The CHAIRMAN. The gentleman from Texas asks unanimous consent that this amendment go over until to-morrow.

Mr. RANDELL of Texas. And also another amendment. There are two amendments pending.

Mr. MOON of Pennsylvania. I have no objection if the request is limited to those two amendments, or new sections, as I understand.

Mr. RANDELL of Texas. Let it go over under the same limitations that were made yesterday.

The CHAIRMAN. Is there objection to the request of the gentleman from Texas? [After a pause.] The Chair hears none.

Mr. MOON of Pennsylvania. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. OLMSTED, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 11701) to codify and revise the penal code, and had come to no resolution thereon.

#### SENATE BILLS AND RESOLUTIONS REFERRED.

Under clause 2 of Rule XXIV, Senate bills and resolutions were taken from the Speaker's table and referred to their appropriate committees, as indicated below:

S. 2929. An act to authorize the Idaho and Washington Northern Railroad to construct a bridge across the Pend d'Oreille River in the State of Washington—to the Committee on Interstate and Foreign Commerce.

S. 3019. An act to construct a tender for the use of the inspector of the first light-house district—to the Committee on Interstate and Foreign Commerce.

S. 2725. An act to extend the time for completion of the building of dam across the Mississippi River near the village of Bemidji, Beltrami County, Minn.—to the Committee on Interstate and Foreign Commerce.

S. 2712. An act to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious—to the Committee on Indian Affairs.

S. 2662. An act to authorize the Arizona and California Railway Company to construct a bridge across the Colorado River at Parker, Ariz.—to the Committee on Interstate and Foreign Commerce.

S. 2640. An act to establish a fish-cultural station in the State of Kansas—to the Committee on the Merchant Marine and Fisheries.

S. 1774. An act to permit Dollie A. Fountain, of Walworth County, S. Dak., to purchase certain lands—to the Committee on the Public Lands.

S. 1666. An act for the relief of Stene Engeberg—to the Committee on the Public Lands.

S. 720. An act to confirm an entry made by Gertrude Halverson Aaby, widow of Sigbjorn H. Aaby—to the Committee on the Public Lands.

S. 713. An act to amend an act entitled "An act authorizing the construction of additional light-house districts," approved July 23, 1886—to the Committee on Interstate and Foreign Commerce.

S. 648. An act to establish a fish-culture station in the State of Wyoming—to the Committee on the Merchant Marine and Fisheries.

S. 551. An act relating to commutation of homestead entries and to confirm such entries when commutation proofs were received by local land officers prematurely—to the Committee on the Public Lands.

S. 535. An act to establish a fish-culture station in the State of Utah—to the Committee on the Merchant Marine and Fisheries.

S. 507. An act to establish a fish-cultural station in the State of Nebraska—to the Committee on the Merchant Marine and Fisheries.

S. 485. An act to create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Tex., and for a clerk for said court, and for other purposes—to the Committee on the Judiciary.

S. 387. An act to establish a fish-culture station at the city of Fargo, in the State of North Dakota—to the Committee on the Merchant Marine and Fisheries.

S. 141. An act to establish a fish-cultural station in the State of Idaho—to the Committee on the Merchant Marine and Fisheries.

S. 113. An act to establish a fish-hatching and fish-culture station at Dell Rapids, S. Dak.—to the Committee on the Merchant Marine and Fisheries.

S. 29. An act to provide for registration of all cases of tuberculosis in the District of Columbia, for free examination of sputum in suspected cases, and for preventing the spread of tuberculosis in said District—to the Committee on the District of Columbia.

S. 3020. An act to construct a tender for the use of the engineer of the first and second light-house districts—to the Committee on Interstate and Foreign Commerce.

S. R. 23. Joint resolution to provide for the remission of a portion of the Chinese indemnity—to the Committee on Foreign Affairs.

S. R. 17. Joint resolution to amend the provision in the river and harbor act of March 2, 1907, relating to the Sandy Lake reservoir dam—to the Committee on Rivers and Harbors.

Senate concurrent resolution 14.

*Resolved by the Senate (the House of Representatives concurring),* That there be printed 2,000 additional copies of Senate Document No. 151, present session; 1,000 for the use of the Senate, and 1,000 for the use of the House of Representatives—to the Committee on Printing.

Senate concurrent resolution 3.

*Resolved by the Senate (the House of Representatives concurring),* That the Secretary of War be, and he is hereby, authorized and directed to cause a survey to be made of the Little Contentnea River, North Carolina, from the mouth of same to the town of Ridge Springs, in Greene County, N. C., with a view of dredging, cleaning out, and widening the channel and to submit a plan and estimate for such improvements—to the Committee on Rivers and Harbors.

Also:

*Resolved,* That no communications from heads of Departments, commissioners, chiefs of bureaus, or other executive officers, except when authorized or required by law, or when made in response to a resolution of the Senate, will be received by the Senate unless such communications shall be transmitted to the Senate by the President.

*Resolved,* That a copy of this resolution be communicated by the Secretary of the Senate to the President and the House of Representatives—to the Committee on Rules.

#### ADJOURNMENT.

Mr. MOON of Pennsylvania. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to.

Accordingly (at 4 o'clock and 5 minutes p. m.) the House adjourned.

#### EXECUTIVE COMMUNICATIONS.

Under clause 2 of Rule XXIV, the following executive communications were taken from the Speaker's table and referred as follows:

A letter from the Acting Secretary of the Treasury, submitting an estimate of appropriation for salary for a chief of division of equipment in the office of the Supervising Architect—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Auditor of the Navy Department submitting a draft of proposed legislation for settlement of amounts due officers and enlisted men of the Navy and Marine Corps—to the Committee on Naval Affairs and ordered to be printed.



A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Secretary of War submitting an estimate of deficiency appropriation for pay of Military Academy—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of deficiency appropriation for pay of employees, maintenance of hospitals, etc.—to the Committee on Appropriations and ordered to be printed.

A letter from the Acting Secretary of the Treasury, transmitting a copy of a letter from the Surgeon-General of the Public Health and Marine-Hospital Service submitting an estimate of appropriation for preventing the introduction and spread of epidemic diseases—to the Committee on Appropriations and ordered to be printed.

A letter from the assistant clerk of the Court of Claims, transmitting a copy of the findings filed by the court in the case of J. H. Duke, administrator of estate of Edmund F. Duke, against the United States—to the Committee on War Claims and ordered to be printed.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII,

Mr. McGUIRE, from the Committee on the Public Lands, to which was referred the bill of the House (H. R. 10577) to extend the time of payments on certain homestead entries in Oklahoma, reported the same without amendment, accompanied by a report (No. 181), which said bill and report were referred to the House Calendar.

#### REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS.

Under clause 2 of Rule XIII, private bills and resolutions of the following titles were severally reported from committees, delivered to the Clerk, and referred to the Committee of the Whole House as follows:

Mr. HOLLIDAY, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 3200) granting an increase of pension to Elston Armstrong, reported the same without amendment, accompanied by a report (No. 179), which said bill and report were referred to the Private Calendar.

Mr. CHAPMAN, from the Committee on Invalid Pensions, to which was referred the bill of the House (H. R. 13303) granting a pension to Sidney N. Utley, reported the same with amendment, accompanied by a report (No. 180), which said bill and report were referred to the Private Calendar.

#### CHANGE OF REFERENCE.

Under clause 2 of Rule XXII, committees were discharged from the consideration of bills of the following titles, which were thereupon referred as follows:

A bill (H. R. 6865) granting a pension to Jacob Kuntz—Committee on Pensions discharged, and referred to the Committee on Invalid Pensions.

A bill (H. R. 10696) for the relief of the legal representatives of Stewart & Co. and A. P. H. Stewart—Committee on Claims discharged, and referred to the Committee on War Claims.

A bill (H. R. 12610) granting a pension to Elbert W. McLaughlin—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 12611) granting a pension to Margaret Dunn Aston—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

A bill (H. R. 13496) granting a pension to Mattie B. Romsey—Committee on Invalid Pensions discharged, and referred to the Committee on Pensions.

#### PUBLIC BILLS, RESOLUTIONS, AND MEMORIALS.

Under clause 3 of Rule XXII, bills, resolutions, and memorials of the following titles were introduced and severally referred as follows:

By Mr. HARDWICK: A bill (H. R. 14004) to provide for the extension, improvement, and enlargement of the post-office and court-house building at Augusta, Ga.—to the Committee on Public Buildings and Grounds.

By Mr. JENKINS: A bill (H. R. 14005) to authorize continuance of the railroad siding into square No. 737, in the city of Washington—to the Committee on the District of Columbia.

Also, a bill (H. R. 14006) regulating practice, pleadings, form, and mode of proceeding in all civil causes other than admiralty—to the Committee on the Judiciary.

By Mr. BROWNLOW: A bill (H. R. 14007) for the appointment of a United States district judge for the eastern district of Tennessee, to detach certain counties from the eastern district of Tennessee and to attach the same to the middle district of Tennessee, to provide for divisions in said middle district of Tennessee and the time for holding the courts, and to provide for officers of the courts, and for other purposes—to the Committee on the Judiciary.

By Mr. SULZER: A bill (H. R. 14008) granting a service pension to all officers and enlisted men of the United States Army, Navy, and Marine Corps, both regular and volunteer, who have been awarded medals of honor or who may hereafter be awarded such medals under acts of Congress approved December 21, 1861, July 12 and 16, 1862, and March 3, 1863, and any other act or acts amendatory thereof or supplemental thereto—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 14009) to provide for the erection of a public building at Bartlesville, Okla.—to the Committee on Public Buildings and Grounds.

By Mr. BOOHER: A bill (H. R. 14010) to amend an act entitled "An act to prohibit corporations from making money contributions in connection with political elections," approved January 26, 1907—to the Committee on Election of President, etc.

By Mr. SPARKMAN: A bill (H. R. 14011) amending an act approved June 10, 1880, entitled "An act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes"—to the Committee on Ways and Means.

By Mr. BIRDSALL: A bill (H. R. 14012) conferring jurisdiction on United States circuit courts in certain cases—to the Committee on the Judiciary.

By Mr. HAGGOTT: A bill (H. R. 14013) to apply a portion of the proceeds of the sales of public lands to the endowment of schools or departments of mines and mining, and to regulate the expenditure thereof—to the Committee on Mines and Mining.

By Mr. MONDELL: A bill (H. R. 14014) to provide for the disposal of abandoned and useless naval reservations—to the Committee on Naval Affairs.

Also, a bill (H. R. 14015) to provide for the punishment of officers who attach false jurats or certificates to affidavits or other papers, and for other purposes—to the Committee on the Judiciary.

Also, a bill (H. R. 14016) to amend section 461 of the Revised Statutes of the United States as amended by the act of April 2, 1888—to the Committee on the Public Lands.

Also, a bill (H. R. 14017) to amend section 3 of the act entitled "An act providing for the location and purchase of public lands for reservoir sites," approved January 13, 1897—to the Committee on the Public Lands.

Also, a bill (H. R. 14018) to provide for the repayment of certain commissions and purchase moneys paid under the public-land laws—to the Committee on the Public Lands.

Also, a bill (H. R. 14019) to authorize trustees appointed under the town-site laws to administer oaths, and for other purposes—to the Committee on the Public Lands.

Also, a bill (H. R. 14020) to amend an act entitled "An act providing for the compulsory attendance of witnesses before registers and receivers of the land offices"—to the Committee on the Public Lands.

Also, a bill (H. R. 14021) to provide a manner for restoring lands to the public domain—to the Committee on the Public Lands.

Also, a bill (H. R. 14022) to provide for the cancellation and revocation of certain rights of way over public lands—to the Committee on the Public Lands.

Also, a bill (H. R. 14023) to provide for the withdrawal and leasing of islands in Alaska—to the Committee on the Public Lands.

Also, a bill (H. R. 14024) to provide for the manner of surveying public lands—to the Committee on the Public Lands.

Also, a bill (H. R. 14025) to authorize officers and employees of the General Land Office to perform the duties of Commissioner or Assistant Commissioner of that Office—to the Committee on the Public Lands.

Also, a bill (H. R. 14026) to provide for the designation of an officer or employee of the General Land Office to act as recorder—to the Committee on the Public Lands.

Also, a bill (H. R. 14027) to provide for repayments of certain moneys paid under the public-land laws—to the Committee on the Public Lands.

By Mr. BOWERS: A bill (H. R. 14028) for the relief of patentees and locators of military bounty land warrants, agricultural college land scrip, and surveyor-general's certificates—to the Committee on the Public Lands.

By Mr. AIKEN: A bill (H. R. 14029) declaring a portion of Savannah River, Georgia and South Carolina, nonnavigable—to the Committee on Interstate and Foreign Commerce.

By Mr. HOWELL of Utah: A bill (H. R. 14030) to extend the provisions of the act of June 27, 1902, entitled "An act to extend the provisions, limitations, and benefits of an act entitled 'An act granting pensions to the survivors of the Indian wars of 1832 to 1842, inclusive, known as the Black Hawk war, Cherokee disturbances, and the Seminole war,' approved July 27, 1892"—to the Committee on Pensions.

By Mr. MONDELL: A bill (H. R. 14031) to amend section 5 of an act entitled "An act making appropriations for the payment of invalid and other pensions of the United States for the fiscal year ending June 30, 1885, and for other purposes," approved July 4, 1884—to the Committee on the Public Lands.

By Mr. AMES: A bill (H. R. 14032) to authorize the construction of a bridge across the Merrimac River at Tyngs Island, Massachusetts—to the Committee on Interstate and Foreign Commerce.

By Mr. ANDREWS: A bill (H. R. 14033) to validate a certain act of the legislative assembly of New Mexico with reference to issuance of certain bonds—to the Committee on the Territories.

Also, a bill (H. R. 14034) to amend section 2139 of the Revised Statutes of the United States of 1878—to the Committee on Indian Affairs.

By Mr. HEFLIN: A bill (H. R. 14035) for the disposition of the proceeds of the illegal cotton taxes collected in 1862, 1864, and 1866—to the Committee on War Claims.

By Mr. CURRIER: A bill (H. R. 14036) to provide for the erection of a public building at Keene, N. H.—to the Committee on Public Buildings and Grounds.

By Mr. HUMPHREY of Washington: A bill (H. R. 14037) for the protection of game animals, birds, and fishes in the Olympic Forest Reserve of the United States in the State of Washington—to the Committee on Agriculture.

By Mr. BOWERS: A bill (H. R. 14038) to amend an act entitled "An act to regulate commerce," approved February 4, 1887, and all acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission—to the Committee on Interstate and Foreign Commerce.

By Mr. MOORE of Pennsylvania: A bill (H. R. 14039) to provide for the extension of Kenyon street from Fourteenth street to School street, in the District of Columbia, and for other purposes—to the Committee on the District of Columbia.

By Mr. WALLACE: A bill (H. R. 14040) to authorize the county of Ashley, State of Arkansas, and her citizens, to wit: S. R. Bulloch, Z. T. Hedges, and others, to construct a bridge across Bayou Bartholomew at a point above Morrell, in said county and State, the dividing line between Drew and Ashley counties—to the Committee on Interstate and Foreign Commerce.

By Mr. GARDNER of Michigan: A bill (H. R. 14041) for the erection of a post-office building at Hillsdale, Mich.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14042) authorizing the procuring of additional land for the enlargement of the site for the public building at Battle Creek, Mich.—to the Committee on Public Buildings and Grounds.

By Mr. PRAY: A bill (H. R. 14043) to provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana—to the Committee on the Public Lands.

By Mr. McGUIRE: A bill (H. R. 14044) regulating salaries of district attorneys and United States marshals in Oklahoma—to the Committee on the Judiciary.

Also, a bill (H. R. 14045) for the erection of a Federal building at Enid, Okla.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14046) authorizing the enlargement of the United States post-office and court-house building at Guthrie, Okla., and the acquiring of additional ground for a site for said building—to the Committee on Public Buildings and Grounds.

By Mr. OVERSTREET: A bill (H. R. 14047) to establish a United States court of patent appeals, and for other purposes—to the Committee on Patents.

By Mr. HACKNEY: A bill (H. R. 14048) to extend the provisions of the pension act of June 27, 1890, and the pension act of February 6, 1907, to the Enrolled Missouri Militia and other

military organizations of the State of Missouri that cooperated with the military and naval forces of the United States during the late civil war—to the Committee on Invalid Pensions.

By Mr. GOULDEN: A bill (H. R. 14049) authorizing the Secretary of the Navy to purchase three new steam colliers of American registry—to the Committee on Naval Affairs.

By Mr. COX of Indiana: A bill (H. R. 14050) applying the provisions of the act of June 27, 1890, to all soldiers of the war with Spain and to their widows and minor children—to the Committee on Pensions.

By Mr. HOBSON: A bill (H. R. 14051) to provide for the publication of an official journal—to the Committee on Printing.

By Mr. LEWIS: A bill (H. R. 14052) to construct and build a road from Andersonville station, on the Central Railroad of Georgia, to the prison park and national cemetery, and so forth—to the Committee on Military Affairs.

Also, a bill (H. R. 14053) to provide for the purchase of a site and the erection of a public building thereon at Fort Valley, in the State of Georgia, and appropriating money therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14054) for the erection of a public building at the city of Hawkinsville, Ga., and appropriating money therefor—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14055) to provide for the payment of interest on all money now deposited or hereafter deposited in national banks of the United States—to the Committee on Ways and Means.

Also, a bill (H. R. 14056) to provide for increasing the limit of cost of the public building authorized to be erected at Americus, Sumter County, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14057) to provide for the location of a Branch Home for aged and disabled volunteer soldiers of the United States at Fitzgerald, Ben Hill County, Ga.—to the Committee on Military Affairs.

By Mr. BELL of Georgia: A bill (H. R. 14058) authorizing the erection of a post-office building at Jefferson, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14059) authorizing the erection of a post-office building at Commerce, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14060) authorizing the erection of a post-office building at Buford, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14061) authorizing the erection of a post-office building at Winder, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14062) authorizing the erection of a post-office building at Lawrenceville, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14063) authorizing the erection of a post-office building at Toccoa, Ga.—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14064) prohibiting the issuing of special-tax stamps to retail dealers in liquors in prohibition districts—to the Committee on Ways and Means.

By Mr. KNOWLAND: A bill (H. R. 14065) providing for the purchase of a site and the erection of a public building thereon at Alameda, in the State of California—to the Committee on Public Buildings and Grounds.

Also, a bill (H. R. 14066) providing for the purchase of a site and the erection of a public building thereon at Berkeley, in the State of California—to the Committee on Public Buildings and Grounds.

By Mr. BELL of Georgia: A bill (H. R. 14067) to pension the widows of Mexican soldiers—to the Committee on Pensions.

By Mr. EDWARDS of Georgia: Resolution (H. Res. 153) providing for the hours for the sessions of the House—to the Committee on Rules.

By Mr. HAYES: Resolution (H. Res. 155) providing for the printing and binding of certain revised tables and indexes of the CONGRESSIONAL RECORDS for the use of the House—to the Committee on Printing.

By Mr. WILSON of Illinois: Resolution (H. Res. 156) for the appointment of an assistant clerk to the Committee on Enrolled Bills—to the Committee on Accounts.

By Mr. DENBY: Joint resolution (H. J. Res. 102) authorizing the Secretary of War to furnish three condemned cannon to the mayor of the city of Detroit, Mich., to be placed on the base of the statue of the late Maj. Gen. Alexander Macomb, United States Army—to the Committee on Military Affairs.

By Mr. BARTHOLDT: Joint resolution (H. J. Res. 103) in reference to the employment of enlisted men in competition with local civilians—to the Committee on Labor.



## PRIVATE BILLS AND RESOLUTIONS.

Under clause 1 of Rule XXII, private bills and resolutions of the following titles were introduced and severally referred as follows:

By Mr. ADAIR: A bill (H. R. 14068) granting a pension to William Crouch—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14069) granting a pension to Mathew Jellison—to the Committee on Invalid Pensions.

By Mr. AIKEN: A bill (H. R. 14070) for the relief of Mira Crumley—to the Committee on War Claims.

By Mr. AMES: A bill (H. R. 14071) granting an increase of pension to Alexander McMillen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14072) granting an increase of pension to Byron C. Bickford—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14073) granting a pension to William Fairbrother—to the Committee on Pensions.

By Mr. ANDREWS: A bill (H. R. 14074) granting an increase of pension to John A. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14075) granting a pension to Julian Lujan—to the Committee on Pensions.

Also, a bill (H. R. 14076) granting an increase of pension to Belle Forsha—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14077) for the relief of W. J. Goodwin—to the Committee on War Claims.

Also, a bill (H. R. 14078) for the relief of certain persons residing at Monticello, Sierra County, Territory of New Mexico—to the Committee on Claims.

Also, a bill (H. R. 14079) for the relief of Alfred Miller—to the Committee on War Claims.

Also, a bill (H. R. 14080) for the relief of Manuel Madril—to the Committee on Claims.

Also, a bill (H. R. 14081) for the relief of Pablo Ciriaco Baca—to the Committee on Claims.

By Mr. ANTHONY: A bill (H. R. 14082) granting an increase of pension to Adam Ross—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14083) granting an increase of pension to Rodham Miller—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14084) granting an increase of pension to Charles W. Heisler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14085) granting a pension to Joseph R. Campbell—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14086) for the relief of Frank E. Green—to the Committee on Claims.

By Mr. BARTLETT of Georgia: A bill (H. R. 14087) granting a pension to Josephine C. Sullivan—to the Committee on Pensions.

By Mr. BELL of Georgia: A bill (H. R. 14088) granting an increase of pension to Mary E. Baird—to the Committee on Pensions.

Also, a bill (H. R. 14089) granting an increase of pension to Lucretia A. Keith—to the Committee on Pensions.

Also, a bill (H. R. 14090) granting an increase of pension to Ruth E. Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14091) granting an increase of pension to Mary M. Evans—to the Committee on Pensions.

Also, a bill (H. R. 14092) granting an increase of pension to Francis A. Shipman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14093) granting an increase of pension to Michael Evert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14094) granting an increase of pension to William O. Phillips—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14095) granting an increase of pension to Elisha Anderson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14096) granting an increase of pension to William M. Brown—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14097) granting an increase of pension to Martha Barrett—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14098) granting an increase of pension to Caroline Corn—to the Committee on Pensions.

Also, a bill (H. R. 14099) granting an increase of pension to Malinda C. Clonts—to the Committee on Pensions.

Also, a bill (H. R. 14100) granting an increase of pension to Milton H. Wayne—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14101) granting a pension to Charles C. Howington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14102) granting a pension to Mary A. M. Pettyjohn—to the Committee on Pensions.

Also, a bill (H. R. 14103) granting a pension to Elizabeth Gibbs—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14104) granting a pension to Arelia C. Pool—to the Committee on Pensions.

Also, a bill (H. R. 14105) granting a pension to Elizabeth Smith—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14106) granting a pension to Julia A. Patton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14107) granting a pension to Mary Rogers—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14108) granting a pension to Elizabeth Mullins—to the Committee on Pensions.

Also, a bill (H. R. 14109) granting a pension to Mary J. Prator—to the Committee on Pensions.

Also, a bill (H. R. 14110) granting a pension to John S. Dillard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14111) granting a pension to Louisa E. Satterfield—to the Committee on Pensions.

Also, a bill (H. R. 14112) for the relief of the heirs of John C. Addison, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14113) for the relief of heirs of Jasper N. Martin—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14114) for the relief of the heirs of Hardy Pace, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14115) for the relief of the heirs of John B. Graham—to the Committee on Claims.

Also, a bill (H. R. 14116) for the relief of Mary A. Elliott—to the Committee on Pensions.

Also, a bill (H. R. 14117) for the relief of Sanford A. Pinon—to the Committee on Military Affairs.

Also, a bill (H. R. 14118) for the relief of George W. Hansard—to the Committee on War Claims.

Also, a bill (H. R. 14119) for the relief of Jephtha B. Harrington—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14120) for the relief of G. A. Anderson—to the Committee on War Claims.

Also, a bill (H. R. 14121) for the relief of William T. Edwards—to the Committee on Military Affairs.

Also, a bill (H. R. 14122) for the relief of Thomas J. Benton—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14123) for the relief of Jasper N. Martin—to the Committee on Military Affairs.

Also, a bill (H. R. 14124) for the relief of Hiram A. Darnell—to the Committee on Military Affairs.

Also, a bill (H. R. 14125) for the relief of N. C. Tankersley—to the Committee on War Claims.

Also, a bill (H. R. 14126) for the relief of James B. Fowler—to the Committee on Military Affairs.

Also, a bill (H. R. 14127) for the relief of Samuel Garner—to the Committee on Military Affairs.

Also, a bill (H. R. 14128) for the relief of John D. Lowry—to the Committee on Military Affairs.

Also, a bill (H. R. 14129) for the relief of Milton Holt—to the Committee on Military Affairs.

Also, a bill (H. R. 14130) for the relief of Cicero H. Taylor—to the Committee on War Claims.

Also, a bill (H. R. 14131) for the relief of Solomon Taylor—to the Committee on War Claims.

Also, a bill (H. R. 14132) for the relief of Abram Patton—to the Committee on Military Affairs.

Also, a bill (H. R. 14133) for the relief of Andrew J. Sanders—to the Committee on Pensions.

Also, a bill (H. R. 14134) for the relief of the First Georgia State Troops—to the Committee on War Claims.

Also, a bill (H. R. 14135) for the relief of New Hope Baptist Church, of Bartow County, Ga.—to the Committee on War Claims.

Also, a bill (H. R. 14136) to correct the relative rank of Lieut. Frederick S. L. Price, Fourteenth Regiment of Infantry, United States Army—to the Committee on Military Affairs.

By Mr. BIRDSALL: A bill (H. R. 14137) granting an increase of pension to Jonathan Dickinson—to the Committee on Invalid Pensions.

By Mr. BONYNGE: A bill (H. R. 14138) granting a pension to James W. Kuykendall—to the Committee on Invalid Pensions.

By Mr. BOUTELL: A bill (H. R. 14139) granting an increase of pension to Henry Schmitt—to the Committee on Invalid Pensions.

By Mr. BROWNLOW: A bill (H. R. 14140) for the relief of John W. Young—to the Committee on Military Affairs.

By Mr. BURNETT: A bill (H. R. 14141) granting an increase of pension to Henry T. Steffey—to the Committee on Invalid Pensions.

By Mr. BURTON of Delaware: A bill (H. R. 14142) granting an increase of pension to Henry Hammond—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14143) granting an increase of pension to John Holzer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14144) granting a pension to Clarine J. Brinton—to the Committee on Invalid Pensions.

By Mr. BUTLER: A bill (H. R. 14145) granting an increase of pension to Mary E. Rupert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14146) granting an increase of pension to James T. Gill—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14147) granting a pension to Sallie E. Pennypacker—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14148) granting an honorable discharge to Alfred L. Dutton—to the Committee on Military Affairs.

By Mr. CANNON: A bill (H. R. 14149) granting an increase of pension to David Mitchell—to the Committee on Invalid Pensions.

By Mr. CAULFIELD: A bill (H. R. 14150) granting a pension to Jacob Goetz—to the Committee on Invalid Pensions.

By Mr. COOPER of Pennsylvania: A bill (H. R. 14151) granting an increase of pension to William B. Perry—to the Committee on Invalid Pensions.

By Mr. COX of Indiana: A bill (H. R. 14152) for the relief of Henry C. Emmerke—to the Committee on War Claims.

By Mr. CRAWFORD: A bill (H. R. 14153) for the relief of Samuel C. Limer—to the Committee on Claims.

Also, a bill (H. R. 14154) for the relief of Enoch Voyles—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14155) granting a pension to J. B. Hoyle—to the Committee on Invalid Pensions.

By Mr. DAVENPORT: A bill (H. R. 14156) granting a pension to Isaac R. Zane—to the Committee on Invalid Pensions.

By Mr. DENVER: A bill (H. R. 14157) granting an increase of pension to George Talbert—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14158) granting an increase of pension to David Ledbetter—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14159) granting an increase of pension to James W. McDaniel—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14160) granting an increase of pension to Azubath Srofe—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14161) granting an increase of pension to William H. Few—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14162) granting an increase of pension to Joseph Bunn—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14163) granting an increase of pension to William Frye—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14164) granting an increase of pension to David Gough—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14165) granting an increase of pension to Joshua Shaffer—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14166) granting an increase of pension to Frank L. Dunlap—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14167) granting an increase of pension to Thomas L. Davis—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14168) granting a pension to William A. Vice—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14169) granting a pension to Walter Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14170) granting a pension to Lovina Hesler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14171) granting a pension to James M. Nicely—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14172) granting an increase of pension to William P. Jackson—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14173) granting a pension to Louisa C. Morgan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14174) granting a pension to John L. Cochmower—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14175) to remove the charge of desertion from the service record of Leander Day—to the Committee on Military Affairs.

By Mr. DRISCOLL: A bill (H. R. 14176) granting a pension to Sarah A. Huckman—to the Committee on Invalid Pensions.

By Mr. FOCHT: A bill (H. R. 14177) granting an increase of pension to John Rourke—to the Committee on Invalid Pensions.

By Mr. FOSTER of Indiana: A bill (H. R. 14178) granting an increase of pension to John R. Carrol—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14179) granting an increase of pension to Elizabeth F. Reed—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14180) to remove the charge of desertion against the military record of Andrew J. Spradley—to the Committee on Military Affairs.

By Mr. FOULKROD: A bill (H. R. 14181) granting a pension to Elizabeth Clappitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14182) granting a pension to Mary L. Snyder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14183) granting an increase of pension to John H. Duncan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14184) granting an increase of pension to George Pyott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14185) granting an increase of pension to William Mays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14186) granting an increase of pension to Josiah Hays—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14187) for the relief of James E. Byram—to the Committee on Military Affairs.

By Mr. GRAFF: A bill (H. R. 14188) granting an increase of pension to Rudolph Frey—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14189) granting an increase of pension to Thaddeus S. Simpson—to the Committee on Invalid Pensions.

By Mr. HACKNEY: A bill (H. R. 14190) to correct the date of muster of Company C, Lawrence County, Missouri, Home Guards—to the Committee on Military Affairs.

Also, a bill (H. R. 14191) to correct the muster roll of Company C, Lawrence County, Missouri, Home Guards, by adding the name of Richard H. Landrum as second lieutenant—to the Committee on Military Affairs.

Also, a bill (H. R. 14192) to correct the muster roll of Company C, Lawrence County, Missouri, Home Guards, by adding the name of William McNelis—to the Committee on Military Affairs.

Also, a bill (H. R. 14193) to correct the date of muster of Captain Adams's company (L), Greene County Regiment Missouri Home Guards—to the Committee on Military Affairs.

By Mr. HALE: A bill (H. R. 14194) granting a pension to Sabra Shootman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14195) granting a pension to Alonzo Shootman—to the Committee on Invalid Pensions.

By Mr. HAMILTON of Iowa: A bill (H. R. 14196) granting an increase of pension to John Moore—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14197) granting an increase of pension to William H. Penquite—to the Committee on Invalid Pensions.

By Mr. HOWELL of New Jersey: A bill (H. R. 14198) granting an increase of pension to Almeda Clark—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14199) granting an increase of pension to George Walton—to the Committee on Invalid Pensions.

By Mr. HUBBARD of Iowa: A bill (H. R. 14200) granting an increase of pension to John F. Cheney—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14201) granting an increase of pension to John Pehelder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14202) granting an increase of pension to George F. Roberts—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14203) granting an increase of pension to George W. Argo—to the Committee on Invalid Pensions.

By Mr. HUBBARD of West Virginia: A bill (H. R. 14204) granting an increase of pension to James L. F. Sharp—to the Committee on Invalid Pensions.

By Mr. JONES of Washington: A bill (H. R. 14205) retiring Thomas Harrison, a clerk at the Naval Observatory, and for other purposes—to the Committee on Naval Affairs.

By Mr. KIPP: A bill (H. R. 14206) granting a pension to John Scott—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14207) granting a pension to William Maxfield—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14208) granting a pension to Freeman N. Dixon—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14209) granting a pension to J. H. Fox—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14210) granting a pension to H. L. Butler—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14211) to remove the charge of desertion against Michael Dougherty—to the Committee on Military Affairs.

Also, a bill (H. R. 14212) to remove the charge of desertion against William R. Capwell—to the Committee on Invalid Pensions.

By Mr. KNOWLAND: A bill (H. R. 14213) for the relief of George F. Schild—to the Committee on Claims.

Also, a bill (H. R. 14214) to correct the military record of Conrad Heene—to the Committee on Military Affairs.

By Mr. LASSITER: A bill (H. R. 14215) to carry out the findings of the Court of Claims in the case of the trustees of



Smiths Grove Methodist Episcopal Church, Dinwiddie County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14216) to carry out the findings of the Court of Claims in the case of the wardens of Merchants Hope Protestant Episcopal Church, Prince George County, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14217) to carry out the findings of the Court of Claims in the case of the trustees of the Methodist Episcopal Church, of Garys, Va.—to the Committee on War Claims.

Also, a bill (H. R. 14218) to carry out the findings of the Court of Claims in the case of the trustees of Oak Grove Methodist Episcopal Church, Reams Station, Va.—to the Committee on War Claims.

By Mr. LAWRENCE: A bill (H. R. 14219) granting an increase of pension to Jeremiah Book—to the Committee on Invalid Pensions.

By Mr. LEWIS: A bill (H. R. 14220) granting an increase of pension to Robert S. Rose—to the Committee on Pensions.

Also, a bill (H. R. 14221) granting an increase of pension to Mary M. McGarrah—to the Committee on Pensions.

Also, a bill (H. R. 14222) granting a pension to Udariah English—to the Committee on Pensions.

Also, a bill (H. R. 14223) for the relief of the legal representatives of C. M. Bozeman, deceased—to the Committee on War Claims.

Also, a bill (H. R. 14224) for the relief of the heirs of S. D. Fuller—to the Committee on War Claims.

By Mr. LILLEY: A bill (H. R. 14225) granting a pension to John G. Homan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14226) granting an increase of pension to George W. Child—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14227) granting a pension to Charles S. Jones—to the Committee on Pensions.

By Mr. LLOYD: A bill (H. R. 14228) granting a pension to Thomas Moody—to the Committee on Invalid Pensions.

By Mr. LONGWORTH: A bill (H. R. 14229) granting a pension to Lina V. Dietz—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14230) granting a pension to Bridget Sheridan—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14231) granting an increase of pension to Pauline Joseph—to the Committee on Invalid Pensions.

By Mr. LOUDENSLAGER: A bill (H. R. 14232) granting an increase of pension to Reuben R. Pitman—to the Committee on Invalid Pensions.

By Mr. LOVERING: A bill (H. R. 14233) granting an increase of pension to Levi L. Crane—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14234) granting an increase of pension to William Wilder—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14235) granting an increase of pension to George E. Donham—to the Committee on Invalid Pensions.

By Mr. McMILLAN: A bill (H. R. 14236) for the relief of the Merchants' National Bank of Poughkeepsie, N. Y.—to the Committee on Claims.

By Mr. MANN: A bill (H. R. 14237) granting a pension to Anna S. Patrick—to the Committee on Pensions.

By Mr. O'CONNELL: A bill (H. R. 14238) granting a pension to Patrick Collins—to the Committee on Invalid Pensions.

By Mr. PARKER of South Dakota: A bill (H. R. 14239) to appoint Brig. Gen. Edward M. McCook, United States Volunteers, a brigadier-general on the retired list of the United States Army—to the Committee on Military Affairs.

Also, a bill (H. R. 14240) to authorize the Secretary of the Interior to investigate and cancel the allotment of William Jondron, Yankton Sioux allottee, should it prove to be fictitious—to the Committee on Private Land Claims.

By Mr. ROBINSON: A bill (H. R. 14241) for the relief of the heirs of Thomas O. Burkhead—to the Committee on War Claims.

Also, a bill (H. R. 14242) for the relief of E. C. Young—to the Committee on Claims.

Also, a bill (H. R. 14243) granting to Manataka Tribe, No. 3, Independent Order of Red Men, of Hot Springs, Ark., certain rights and privileges—to the Committee on the Public Lands.

By Mr. SMITH of Arizona: A bill (H. R. 14244) to remove the defect in naturalization in the case of John G. Campbell, plaintiff in suit on Indian depredation claims—to the Committee on Indian Affairs.

By Mr. SPARKMAN: A bill (H. R. 14245) granting an increase of pension to William H. McCormick—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14246) granting an increase of pension to Elizabeth Nobels—to the Committee on Pensions.

Also, a bill (H. R. 14247) granting an increase of pension to Richard R. Russell—to the Committee on Pensions.

By Mr. SPERRY: A bill (H. R. 14248) granting an increase of pension to Robert Stewart Duff, alias Robert Stewart—to the Committee on Invalid Pensions.

By Mr. STERLING: A bill (H. R. 14249) granting an increase of pension to Esther Reed—to the Committee on Invalid Pensions.

By Mr. THOMAS of Ohio: A bill (H. R. 14250) to amend the muster roll of Company B, Ninth Pennsylvania Volunteers, and place thereon the name of William C. Armstrong—to the Committee on Military Affairs.

By Mr. TAYLOR of Ohio: A bill (H. R. 14251) for the relief of Robert W. Caldwell, First Regiment Ohio Heavy Artillery Volunteers—to the Committee on Military Affairs.

By Mr. WILSON of Illinois: A bill (H. R. 14252) granting an increase of pension to Henry W. Evory—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14253) granting an increase of pension to Carl B. Traver—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14254) granting an increase of pension to Robert B. Craig—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14255) granting an increase of pension to Patrick Breen—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14256) granting an increase of pension to Charles Zimmerman—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14257) granting an increase of pension to George Richard—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14258) granting an increase of pension to Elizabeth Schmitt—to the Committee on Invalid Pensions.

Also, a bill (H. R. 14259) granting an increase of pension to Joseph Morgan—to the Committee on Invalid Pensions.

#### PETITIONS, ETC.

Under clause 1 of Rule XXII, the following petitions and papers were laid on the Clerk's desk and referred as follows:

By the SPEAKER: Petitions of John W. Hancock, postmaster, and 19 others, of Casey; Upton Schaub and 178 others, of Watsika; B. F. Gray, attorney, and 26 others of Momence; M. H. Bassett and 20 others, of Kankakee; Fred Mann, mayor, and 87 others, of Kankakee, all in the State of Illinois, for a volunteer retired-list law—to the Committee on Military Affairs.

Also, petition of Joseph C. Bavard and 2 others, of Kansas City, Mo., for legislation to establish a service pension of \$1 per day—to the Committee on Invalid Pensions.

Also, petition of E. E. Woods, of Toledo, Ill., against pending copyright bill—to the Committee on Patents.

Also, petition of Charles E. Turner, of Togus, Me., in favor of the canteen in National Soldiers' Homes—to the Committee on Military Affairs.

Also, petition of George Seibert, sr., and 2 others, of Danville, Ill., against competition of enlisted musicians in Army and Navy—to the Committee on Military Affairs.

Also, petitions of W. H. Newlin, of Springfield; Bayard W. Wright, of Lacon; H. A. Converse, of Springfield; E. G. Schafer and F. W. Obornmiller, of Mount Pulaski; John S. Telmley, of Griggsville; Ray N. Anderson, of Pittsfield, and B. F. Baker, of Glenavon, all in the State of Illinois, for legislation granting pensions to ex-prisoners of civil war—to the Committee on Invalid Pensions.

Also, memorial of J. F. Van Voorhees and 7 others, of Christian, Ill.; Edward Bigelow, of Champaign, Ill., and J. H. Knight, of Morgantown, Ind., for civil-war volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of C. C. McEarty, of Durant, Okla., relating to status of Indians in that State—to the Committee on Indian Affairs.

Also, petition of Latin-American Scientific Congress, for legislative provision for adequate representation at the forthcoming Pan-American Scientific Congress—to the Committee on Foreign Affairs.

By Mr. AIKEN: Petition of Spartanburg (S. C.) Chamber of Commerce, for Appalachian and White mountains forest-reserve bill—to the Committee on Agriculture.

Also, petition of Greenville (S. C.) Board of Trade, for Appalachian and White mountains reservation bill—to the Committee on Agriculture.

By Mr. ANTHONY: Petition of R. H. Waterman and 14 other volunteer officers of civil war, for a volunteer officers' retired list—to the Committee on Military Affairs.

Also, petition of Hopkins & Son, of Rossville, Kans., against parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. ANSBERRY: Petition of Highland Grange, No. 879, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Commercial Telegraphers' Union, for investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

By Mr. BARTHOLDT: Petition of St. Louis Hotel Men's Association, against prohibition in the District of Columbia—to the Committee on the District of Columbia.

Also, petitions of De Soto, De Andrews, William Faerber, and Rosati councils of Knights of Columbus, of St. Louis, Mo., against reclassification of second-class mail matter—to the Committee on the Post-Office and Post-Roads.

By Mr. BIRDSALL: Petition of John H. Peters and others, of Manchester, Iowa, for H. R. 6288, providing for a volunteer retired list—to the Committee on Military Affairs.

By Mr. BONYNGE: Petition of Local Union No. 49, of the International Typographical Union, for removal of duty on white paper—to the Committee on Ways and Means.

Also, petition of Edwin Morgan and 81 other volunteer officers, for volunteer retired list—to the Committee on Military Affairs.

By Mr. BURNETT: Paper to accompany bill for relief of William M. Kearley—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Mrs. Martha E. McKnight—to the Committee on Pensions.

By Mr. BURTON of Ohio: One hundred and ninety-two petitions, each signed by a beneficiary of the service-pension act of February 6, 1907, all residents of Cleveland, Ohio, praying that section 3 of said act be repealed and provision made in lieu thereof for allowance and payment of a reasonable attorney's fee in manner and form as prescribed by the pensions appropriation act of July 4, 1884—to the Committee on Invalid Pensions.

By Mr. BUTLER: Petition of citizens of Chester County, Pa., against Senate bill (S. 5221) to regulate practice of osteopathy in the District of Columbia—to the Committee on the District of Columbia.

Also, petition of Methodist Episcopal Church of Coatesville, Pa., against H. R. 4003 (by Mr. PARKER of New Jersey) and H. R. 7615, for reestablishment of the Army canteen—to the Committee on Military Affairs.

By Mr. CALDER: Petition of Telegraphers' Union of America, for investigation of telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of R. J. Anderson and others, for increasing pay of storekeepers and gaugers of Internal-Revenue Service to \$3 per day—to the Committee on Ways and Means.

By Mr. CALDWELL: Petition of John J. Rinaker and 30 other volunteer officers and citizens of Springfield and Carlinville, for a civil-war volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. COOK of Pennsylvania: Petition of R. J. Anderson and others, for increased pay to \$3 per day for storekeepers and gaugers of Internal-Revenue Service—to the Committee on Ways and Means.

By Mr. DARRAGH: Petition of Johnson Drug Company and 18 other business men, of Traverse City, Mich., against a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. DAWSON: Petition of Clinton County Medical Society, of Iowa, for bills proposing pensions to widows of Drs. James W. Lascar and James Carroll—to the Committee on Invalid Pensions.

Also, petition of Commercial Telegraphers' Union of America, for investigation of the telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of George W. Hewitt Post, No. 398, of Franklin Grove, Ill., for the McKinley pension bill (H. R. 4862) providing for the equalization of widows' pensions—to the Committee on Invalid Pensions.

By Mr. DE ARMOND: Paper to accompany bill for relief of David Z. Younger—to the Committee on Invalid Pensions.

By Mr. DRAPER: Petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. DUNWELL: Petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of San Diego Chamber of Commerce, for appropriation to protect and improve Pearl Harbor, of Hawaiian Islands—to the Committee on Rivers and Harbors.

Also, petition of Harry H. Williams, against pending copyright bill—to the Committee on Patents.

Also, petition of N. Johannsen, for currency reform—to the Committee on Banking and Currency.

By Mr. ELLIS of Oregon: Petitions of Methodist Episcopal Church of Ontario, First Presbyterian Church of La Grande, and Methodist Episcopal Church of La Grande, all in the State of Oregon, for the Littlefield original-package bill—to the Committee on the Judiciary.

Also, petition of Socialist Local Branch No. 1, La Grange, Ore., for legislation defining conditions when Federal troops can be called for by a State—to the Committee on the Judiciary.

Also, petition of National Guard Association of Oregon, for the retirement of Col. James Jackson, United States Army, as a brigadier-general—to the Committee on Military Affairs.

Also, petition of George Wright Post, No. 1, Grand Army of the Republic, of Oregon, for bill for pension of Elizabeth W. Walters—to the Committee on Invalid Pensions.

Also, petition of board of governors of Portland Commercial Club, for increase of pay for Army and Navy officers—to the Committee on Military Affairs.

By Mr. FITZGERALD: Petition of San Diego (Cal.) Chamber of Commerce, for additional fortifications on Pacific coast towns and places in Hawaiian Islands—to the Committee on Military Affairs.

Also, petition of National Association of Retail Druggists, against parcels-post law—to the Committee on the Post-Office and Post-Roads.

Also, petition of Words and Music Club of America, for legislation to protect song writers—to the Committee on Patents.

Also, petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Ways and Means.

By Mr. FLOYD: Paper to accompany bill for relief of Lowery C. Carlton—to the Committee on Invalid Pensions.

By Mr. FOCHT: Petition of M. M. Gilland and others, against removal of 10 per cent tax on colored oleomargarine—to the Committee on Agriculture.

By Mr. FOSTER of Illinois: Petition of C. D. Kendall and 76 other volunteer officers and citizens of the Twenty-third Illinois District, for a civil-war volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. GOLDFOGLE: Petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Ways and Means.

By Mr. GRAHAM: Petition of The Words and Music Club of America, for amendment of the copyright law in the interest of musical composers—to the Committee on Patents.

Also, petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

Also, petition of San Diego Chamber of Commerce, for appropriation to improve and defend Pearl Harbor, Hawaiian Islands—to the Committee on Rivers and Harbors.

By Mr. HAMILTON of Iowa: Papers to accompany bills for relief of John Ferrell and Amaziah Chamberlain—to the Committee on Military Affairs.

By Mr. HARDY: Paper to accompany bill for relief of Penelope L. Newman—to the Committee on Pensions.

By Mr. HUBBARD of West Virginia: Papers to accompany bills for relief of John F. Starcher and William R. Coe—to the Committee on Invalid Pensions.

By Mr. HULL of Iowa: Petition of Joseph W. Muffy and 249 other volunteer officers, for a civil-war volunteer retired list—to the Committee on Military Affairs.

By Mr. JONES of Washington: Petition of citizens of Spokane, for enactment of the Sherwood bill—to the Committee on Invalid Pensions.

Also, petition of Thomas Harrington, a clerk in class 4, Naval Observatory, in support of bill to retire him from active service—to the Committee on Naval Affairs.

By Mr. LANGLEY: Paper to accompany bill for relief of W. T. Eager—to the Committee on Invalid Pensions.

By Mr. LEVER: Petition of South Carolina Baptist Convention, against Federal laws as militating against State laws relative to the liquor traffic—to the Committee on the Judiciary.

By Mr. LLOYD: Paper to accompany bill for relief of Sibba Miller—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Philander J. Payne—to the Committee on Invalid Pensions.

Also, paper to accompany bill for relief of Thomas Moody—to the Committee on Invalid Pensions.

By Mr. LOWDEN: Petition of business men and patrons of Rock Falls, Pa., for free mail delivery in towns having post-office revenue of \$5,000 and over—to the Committee on the Post-Office and Post-Roads.



By Mr. KNOWLAND: Petition of San Diego (Cal.) Chamber of Commerce, for appropriation to purchase submarine torpedo boats for the Pacific coast harbors—to the Committee on Naval Affairs.

By Mr. McKINLEY of Illinois: Petitions of E. S. McDonald, attorney and mayor, and 158 others of Decatur, Ill.; 50 citizens of Sullivan and Moulton counties, Ill.; 26 citizens of Marva, Ill., and John L. Kirk and 52 others, for a civil-war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. McKINNEY: Petitions of volunteer officers of Alcedo, Alexis, Macomb, Bushnell, Adair, Tennessee, Monmouth, Kirkwood, Moline, Colchester, Carthage, Plymouth, and Galesburg, all in the State of Illinois, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. MANN: Paper to accompany bill for relief of Mrs. Anna S. Patrick—to the Committee on Pensions.

By Mr. O'CONNELL: Petition of citizens of Boston, Mass., asking to have work of Navy sent to the Charlestown Navy-Yard—to the Committee on Naval Affairs.

By Mr. OVERSTREET: Petition of D. W. Edwards, of Indianapolis, for the Hepburn-Dolliver bill, embodying the original-package law, leaving States to enforce their own laws relative to the liquor traffic—to the Committee on the Judiciary.

By Mr. PRINCE: Petition of board of supervisors of Henry County, Ill., favoring H. R. 4334 (Graff swamp-land bill)—to the Committee on the Public Lands.

By Mr. RIORDAN: Petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. RYAN: Petition of Maritime Association of New York, for H. R. 31, to place light-house and fog signal on Governors Island—to the Committee on Interstate and Foreign Commerce.

Also, petition of Maritime Association of New York, for Senate bill (S. 25) for increased efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

By Mr. SLEMP: Petitions of Thomas J. Roberts and 37 other volunteers and 37 other volunteer officers, all of National Soldiers' Home of Virginia, for a volunteer retired list—to the Committee on Military Affairs.

By Mr. SMALL: Paper to accompany bill for relief of Caroline Walters—to the Committee on War Claims.

By Mr. SMITH of Michigan: Petition of Sons of Veterans' Camp, No. 94, of Erie, Pa., and Army and Navy Union, for increase of pay of officers and men of Army and Navy—to the Committee on Naval Affairs.

By Mr. SNAPP: Petition of A. C. Little and 64 others, for a civil-war officers' volunteer retired list—to the Committee on Military Affairs.

By Mr. SPARKMAN: Petition of Navigation Conference, for a harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. STAFFORD: Petition of Cornelius Wheeler and 117 other volunteer officers of the civil war, residents of Wisconsin, for a volunteer officers' retired list—to the Committee on Military Affairs.

By Mr. STERLING: Petition of George T. Dick and 67 other volunteer officers, for a volunteer retired list—to the Committee on Military Affairs.

Also, petition of G. W. Patton and 248 others of Pontiac, Ill., and P. E. Law and 103 others of Eureka, Ill., for a volunteer retired list—to the Committee on Military Affairs.

Also, papers to accompany bills for relief of James W. McMillen, G. R. Smith, A. W. Meyer, and William T. Gibbs—to the Committee on Invalid Pensions.

By Mr. STEVENS of Minnesota: Petition of Typographical Union No. 30, of St. Paul, Minn., for removal of duty on pulp—to the Committee on Ways and Means.

By Mr. TAYLOR of Alabama: Petition of Navigation Conference, for harbor of refuge at Point Judith, Rhode Island—to the Committee on Rivers and Harbors.

By Mr. TOU VELLE: Petition of Farmers' Institute of Jackson Township, Allen County, Ohio, for a parcels-post law—to the Committee on the Post-Office and Post-Roads.

By Mr. WILLETT: Petition of R. J. Anderson and others, for increase of pay of storekeepers and gaugers of the Internal-Revenue Service—to the Committee on Ways and Means.

Also, petition of Maritime Association of Port of New York, for a light and fog signal on Governors Island—to the Committee on Interstate and Foreign Commerce.

Also, petition of Maritime Association of Port of New York, to promote efficiency of Life-Saving Service—to the Committee on Interstate and Foreign Commerce.

Also, petition of Telegraphers' Union, for investigation of

telegraph companies—to the Committee on Interstate and Foreign Commerce.

Also, petition of James Yearsley, concerning the proper division and cooperation of State and national powers and obligations—to the Committee on Interstate and Foreign Commerce.

Also, petition of New York Produce Exchange, against Federal inspection of grain—to the Committee on Interstate and Foreign Commerce.

By Mr. YOUNG: Petitions of T. W. Palmer and 250 other citizens, Dan M. Dickenson and 205 other citizens, A. B. Ledyard and 315 other citizens, Stephen F. Van Dusen and 830 other citizens, all of the State of Michigan, for a volunteer retired list—to the Committee on Military Affairs.

## HOUSE OF REPRESENTATIVES.

FRIDAY, January 17, 1908.

The House met at 12 o'clock m.

Prayer by the Chaplain, Rev. HENRY N. COUDEN, D. D.

The Journal of the proceedings of yesterday was read and approved.

### ADJOURNMENT OVER.

Mr. PAYNE. Mr. Speaker, I move that when the House adjourns to-day it adjourn to meet on Monday next.

The motion was agreed to.

### REPRINT OF BILLS.

Mr. LENAHA. Mr. Speaker, I ask unanimous consent for a reprint of 2,000 copies of the bills (H. R. 12682), a bill to restore public confidence and safeguard the people's savings against loss through bank failures; and

H. R. 12683. A bill to provide currency to meet conditions of financial panic and commercial or crop-moving emergencies.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent for a reprint of the two House bills of which the Clerk will report the titles.

The Clerk reported the titles.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none, and it is so ordered.

### BRIDGE ACROSS CHOCTAWHATCHEE RIVER, ALABAMA.

Mr. CLAYTON. Mr. Speaker, I ask unanimous consent for the present consideration of the bill (H. R. 9210) to authorize the court of county commissioners of Geneva County, Ala., to construct a bridge across the Choctawhatchee River at or near the Jones Old Ferry, in Geneva County, Ala., which I send to the desk and ask to have read.

The Clerk read the bill at length.

The SPEAKER. Is there objection? [After a pause.] The Chair hears none. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, read the third time, and passed.

On motion of Mr. CLAYTON, a motion to reconsider the last vote was laid on the table.

### BILLS ON THE PRIVATE CALENDAR.

Mr. PRINCE. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House for the consideration of bills on the Private Calendar.

The motion was agreed to.

Accordingly the House resolved itself into Committee of the Whole House for the consideration of bills on the Private Calendar, with Mr. CAPRON in the chair.

The CHAIRMAN. The Clerk will report the first bill having precedence under the rules.

### MATHILDE SANDGREN.

The Clerk read as follows:

House joint resolution 25.

Resolved, etc., That the Secretary of Commerce and Labor be, and he hereby is, authorized to waive the provisions of "An act to regulate the immigration of aliens into the United States," approved February 20, 1907, in the case of Mathilde Sandgren if, after investigation, he deems such waiver proper.

With the following amendments:

Line 4, after the word "provisions," insert the words "of sections 2 and 10."

Line 8, after the word "proper," erase the period and insert a comma and the words "and require an undertaking against her becoming a public charge if he deem it necessary."

The CHAIRMAN. The question is on the committee amendment.

Mr. PAYNE. Mr. Chairman, I would like to have some explanation. I would like to have the report read if I can not get information in any other way.